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## PREFACE

In January 1956 Prof. P. Khale, Professor Emeritus, University of Bonn, came to Pakistan at the invitation of the Pakistan Historical Society to address the sixth Session of the Pakistan History Conference. In the course of his discussions with the Society he made certain suggestions with regard to research and publications. One of the suggestions made by him was that the Society should start publishing a series of Memoirs. The suggestion has been accepted and Mr. Ervin Birnbaum's dissertation on 'Islamic State of Pakistan' is now being presented as the first Memoir of the Society.

Karachi:  
December 1956

S. MOINUL HAQ



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## CHAPTER I

### INTRODUCTION

During the eight years of its existence Pakistan has gained the respect of the nations. From feeble beginnings it has developed into a power that no interested nation can overlook.

The tremendous strides Pakistan has been making in the economic, military and political fields are accompanied by the unceasing aspiration of giving concrete expression to the tradition of Islam in the form of an Islamic State. In this paper I am trying to describe and analyze some concrete happenings, attitudes and feelings that accompany the process of transition from the Islamic tradition to a twentieth century mechanized society on a national scale.

The body of the essay is divided into two sections, the historical background and the character of Pakistan. While the treatment of the first section is purely historical and, as far as possible, chronological, an attempt has been made to emphasize in different subsections three of the basic factors that shaped Pakistan : modernization (Ch. IIA), nationalism (Ch. IIB), and communalism (Ch. IIC).

The second section, which is the main part of the essay, is rather analytical. Great attention has been given to the term "Islamic State," to the changes in emphasis from "Islamic" to "State" within the country, to the question of *ijtihad* (Ch. IIIA : Adjustments in Islamic Law). The discussion about the "Religious State and Islamic State" (Ch. IIIA), was added only after much hesitation in full knowledge of the opposition it might arouse. More concrete and descriptive parts deal with the economic achievements of Pakistan (Ch. IIIB : Some Concrete Achievements of the Islamic



State). While only indirectly linked to the problem of the "Islamic State," it seemed important to emphasize that Pakistan is a healthy State, facing virtually the same problems that any other modern nation does.

In its scope, the paper deals with the first seven years of Pakistan, from its birth, in 1947, till after the adoption of the Basic Principles Committee Report in 1954 by the Constituent Assembly.

## CHAPTER II

### HISTORICAL BACKGROUND : SOCIAL FORCES DETERMINING THE FUTURE CHARACTER OF THE STATE

#### Muslims on the Indian Subcontinent and the Impact of the British Rule upon Them

##### Muslims in India

About the same time that Muslim contingents crossed the Mediterranean into Spain, we see the first assertion of Muslim power on the Indian subcontinent. The period of Muslim Power in India, which began in 712 with the conquest of Sind, lasted until 1857, when the Mughul dynasty fell and the British formally took over the administration of the subcontinent.

The rule of the first six Mughul Emperors is undoubtedly the highpoint of the history of the subcontinent until the creation of Pakistan. One of them, Akbar (1556-1605), aspired to base his power on the loyalty of all his subjects, irrespective of their race or religion. By increasing the number of appointments of Hindus to positions of great responsibility, by prohibiting the collection of the *jizyah*, a tax claimed only from the non-Muslims, and by declaring the slaughter of the cow—an animal sacred in the eyes of the Hindus—as illegal, he incurred the anger of the orthodox Muslims, but he gained thereby the appreciation of the majority of the population.

One other ruler of the period of glory deserves special mention. Aurangzib (1658-1707) was a deeply religious person who wanted to organize his empire in strict accordance with the laws of Islam. He reimposed the *jizyah* on all the infidels, destroyed some Hindu places of worship, permitted the slaughtering of the cow, and, in general, was prejudiced in favour of his co-religionists.\* Some Muslims, therefore, consider him “the Hero of Indian Muslim history.”<sup>1</sup> Non-Muslims, however, say that “his reign was a tragedy, for his

\*[These steps were taken under special circumstances and for specific reasons, which were of a political and disciplinary rather than religious nature. It would be a wrong interpretation of historical facts to regard them as basic principles of the policy of his Government—Editor].

<sup>1</sup> Mahmud Brelvi. *Our Pakistan* (Karachi : Ferozsons, 1949), p. 26.

religion, as he understood it, compelled him to wreck his empire by reversing the policy adopted by Akbar, which had made its existence possible.”<sup>1</sup>

With the death of Aurangzib internecine strife broke out in the country which, coupled with the menace of the Maratha power and the expansion of the European mercantilists, led to the ultimate ruin of the Mughul Empire. Mughul Emperors continued to reign with a semblance of authority until the “Mutiny” of 1857 when even this shade of independence was erased by the British.

### **Beginning of British Rule**

Before the Mughul Empire reached its zenith, a new influence swept across the Indian Ocean into the peninsula from the distant lands in Europe. With Vasco de Gama, who arrived in Calicut in 1498 Europeans stood, for the first time since Alexander the Great, on Indian soil. Vasco de Gama's voyage to India reaped a profit of 6000 per cent.<sup>2</sup> One can, therefore, easily understand the mad scramble of European Powers to establish trade with the sub-continent and, if possible, gain a monopoly of it. Soon we find, besides the Portuguese, the Dutch, the French and the British engaged in profitable trade with the peninsula. By the end of the eighteenth century the British East India Company had, to a great extent, disposed of its European rivals. It then continued to absorb the States that had sprung up in great number on the ruins of the Mughul Empire after the death of Aurangzib.

British expansion was greatly helped by constant strife between rival claimants to the thrones, which gave them a chance to place puppet rulers at the helm of the States, while they themselves collected the revenue. The leaders of the Company pretended to pay nominal allegiance to the Emperor in Delhi until 1857 when they finally discarded that flimsy front, too. By that time the British felt sure that they had laid the foundations of a large, permanent, and well-grounded English dominion in India. But there was a bitter surprise in store for those who were overconfident.

<sup>1</sup> W. H. Moreland and A. C. Chatterjee: *A Short History of India* (London : Longmans, 1953), p. 249.

<sup>2</sup> K. Goshal: *The People of India* (New York : Sheridan 1941), p. 71.

### The "Mutiny" of 1857

Before the advent of the British the indigenous population of India had undergone many conquests by different cultural, racial and ethnic groups throughout its long history. Prior to Muslim penetration the conquerors were absorbed into Hindu society; but the Muslims maintained their entity. Though some of the rulers were anti-Hindu in their feeling still the Muslims succeeded through tolerance in gaining the loyalty of some sections and in converting to their faith and way of thinking, through their missionary activity, a substantial minority of the population. Simultaneously, the conquerors were influenced by the vanquished Hindu neighbours and accepted many of their customs. Once one reasonably assume that this intermixture of cultures and the proselytizing activity helped in building a strong core of loyal followers for the ruling power. The British in their seclusion of white supremacy could not elicit such loyalty and at best could hope that the people would be grateful for the era of peace and order they introduced after the long anarchy that followed the collapse of Mughul power.

Until the middle of the first half of the nineteenth century the masses cared little to distinguish between the present ruler and the past ones. Soon, however, the Muslims and Hindus began to resist certain British measures. The utter neglect of the Mughul Emperor wounded the Muslim spirit. The policy of annexation, continued by the Company, heedless of group loyalty or budding national sentiment, offended the politically conscious groups. In many provinces taxation had become unbearable. The imposition of English as the official language was resented by the Muslims. The inevitable consequence was "the terrible cataclysm of the Indian Mutiny."<sup>1</sup>

From a British point of view "the Mutiny was in part a reactionary movement, a recoil from our disturbing and alarming innovations— even from our railway trains which suggested black magic:"<sup>2</sup> it was "a military revolt, not a movement of the people,"<sup>3</sup> Others,

<sup>1</sup> H. G. Rawlinson, *British Achievement in India* (London: W. Hodge, 1938), p. 92.

<sup>2</sup> H. N. Brailsford *Subject Indian* (New York: J. Day, 1943), p. 121.

<sup>3</sup> G. Schuster and G. Wint, *India and Democracy* (London: Macmillan 1941), p. 63.

particularly Muslims, would be inclined to consider the revolt as "the First War of Independence misnamed Mutiny of 1857."<sup>1</sup> Since the mutineers proclaimed the last surviving Mughul Emperor as their nominal leader, in English eyes the revolt appeared as an overt Muslim attempt to re-establish the extinct Mughul Empire. The fact, however, seems to be that the outbreak was a reaction to the British when they overstepped the boundary of common sense in their policy of direct rule and annexation.\*

### **Some Significant Results of the Mutiny of 1857**

By the Government of India Act of 1858 the Company was officially dissolved. The position of Secretary of State for India, created in the British Cabinet, was to be the point of contact between the Governor-General (Viceroy) and the English Parliament. The direct responsibility for the government of India thus fell upon the Crown.

British feeling against the Muslims hardened unreasonably and disastrously because of the suspicion that the Mutiny was instigated by Muslim ambitions. If the economic, political and cultural decline of the Muslims in the past century was caused by their inability and unwillingness to adapt themselves to new circumstances, the decline was now rapidly accelerated by the attitude of the ruling power. Hunter, writing in 1871, says that "the Muhammedans are now shut out equally from Government employ and from the higher occupation of non-official life."<sup>2</sup> To cite some examples:

The Law Officers of the Crown were six in number—four Englishmen, two Hindus and no Musulman. Among the Officers of the High Court of sufficient rank to have their names published, twenty one in number, there were seven Hindu gentlemen and not one Musulman..... (Among the Pleaders of the High Court) up to 1838 the Musulmans were almost as numerous as the Hindus and the English put together ....The list shows that out of two hundred and

<sup>1</sup> Brelvi, *op. cit.*, p. 28.

\*If we examine the causes and nature of the war in the context of the work and achievements of our reformers and leaders such as Shah Waliullah and Tipu Sultan—we shall have no difficulty in realizing the true character of the movement—Editor.

<sup>2</sup> W. Hunter, *Our Indian Musulmans* (London: Treibner, 1871), p. 168.

forty natives admitted from 1852 to 1868, two hundred and thirty nine were Hindus and only one a Musulman ...The proportion of the race which a century ago had the monopoly of government has now fallen to less than one twentythird of the whole administrative body.<sup>1</sup>

The downward trend and impoverishment of the Muslim upper classes continued until about 1870. It was only then that the British revised their attitude towards the Muslims of India. The period when the Muslims were officially singled out for oppression did not last long. But it was long enough to awaken or deepen the slumbering antagonism against the successful Hindu upper classes and against the English who brought the star of Islam in India from the heaven into the dust.

In order to allay the general discontent as expressed in the Mutiny, Queen Victoria's Proclamation of November 1, 1858 "to the Princes, Chiefs and People of India" contained the following promise: "It is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge."<sup>2</sup> It was not the first proclamation of equality given by the British to India. One was delivered in 1833 to no practical avail. While there were Hindus serving in various capacities, they were not admitted into the high ranking Indian Civil Service:

It was not until 1864 that the first Indian was admitted to the I.C.S.; three more entered in 1871. As late as 1915, after 82 years of equality, the Indians in the I.C.S. amounted only to five per cent, after 90 years, the proportion had risen by 1923 to ten per cent.<sup>3</sup>

The Mutiny of 1857 was to some extent a turning point in the progress of India and in its relationship with the colonial power. It brought to the British the disillusioning realization that the conquest of the sub-continent was not permanently accomplished by

<sup>1</sup> *Ibid.*, pp. 167-169.

<sup>2</sup> Rawlinson, *op. cit.*, p. 109.

<sup>3</sup> Brailsford, *op. cit.*, p. 16. Quoting from R. Coupland, *Britain and India*, pp. 38 and 73, and E. Thompson and G. T. Garratt, *Rise and Fulfilment of British Rule in India* (London: Macmillan, 1934), p. 583.

Clive in the battle of Plassey, but that it is a continuous process which needs tact and diplomacy, with a capacity for giving occasional concessions to Indian demands. This does not mean that the effects of British rule up to the Mutiny were completely negative, but they smelled of white arrogance and utter disregard for Indian emotions. They unwittingly fostered Indian nationalism which, combined with the communal sentiments, could but lead sooner or later to the creation of an independent Pakistan and India.

### **The Impact of English Contact on India**

A fairly exhaustive study of the impact of the British on India would consider not only changes brought about by governmental action, but also those generated by philosophical and political ideas current in the English society and propagated in India and by "the economic forces which were generated by the political union of the two countries and which operated so powerfully to change the structure of Indian society."<sup>1</sup> We propose here to deal only with changes brought about by the action of government. The reader, however, should bear in mind that there were other, subtler and perhaps greater influences interplaying in weaving the new fabric of the Indian society. Obviously no agreement can be expected as to the extent of English influence on India between the British and the Indians, the former trying to exaggerate, the latter to mitigate its effect.

The British restored stable government and the rule of law which had broken down in the anarchy following the decline of the Mughul Empire. They introduced representative institutions which had a lasting effect on the political development in the subcontinent. The first significant step towards Indian representation was taken in 1861, four years after the Mutiny. It was not until 1909, however, that the Indian representatives gained power in the provincial assemblies over that of giving advice to the English governor. In the central government the Morley-Minto Reforms of 1909 did not increase the influence of the Indians. This happened later, in successive stages as concessions to the Indian demands for home rule and independence through the Montagu-Chelmsford

<sup>1</sup> Schuster and Wint, *op. cit.*, p. 64.

Reforms of 1919, the Constitution of 1935, and finally Indian Independence Act of 1947.

While the above changes helped to remake the political pattern of India, innovations of immense dimensions were introduced into the economic life of the country. The vast majority of the population have always subsisted from agriculture. But now the conditions of the peasant population have changed substantially. Like previous conquerors the British, too, considered the collection of revenue from the land as the most important feature of their administration. While, however, previous administrations had permitted payment in kind the British demanded only money payments. In order to simplify the collection of taxes, the British converted the old revenue officials into landlords (*zamindars*). They had to pay to the government periodically a specific sum of money, but could extort from the peasants as much as their conscience permitted. This brought unbelievable misery to the village inhabitants. The misery was increased by the deliberate destruction of the handicraft economy that flourished in the past on the subcontinent in order to create an excellent market for imported British goods, forcing a great number of artisans to live on the land. In order to be able to fulfill their financial obligations, the poor peasants had to borrow money from the notorious moneylenders, who charged as much as a hundred per cent or higher interest, bringing inevitable ruin and death by starvation upon hundreds and thousands of families.

But British economic policy in India was not in all its effects so sad. Throughout their long stay in India they built a railway system that ranks among the very best in the world. They began slowly the establishment of a modern power industry. They initiated the slow development of the great coalfields of Bengal and Bihar.<sup>1</sup> They expanded the irrigation system, especially in the Punjab and in Sind.

Other changes were introduced in the standard of public health. Often this met religious opposition from the orthodox elements, "as in administering smallpox vaccine, which, being made from the sacred cow, is liable in the eyes of fanatical Hindus to involve

<sup>1</sup> Brailsford, *op. cit.*, p. 18.



sacrilege.”<sup>1</sup> The new public health system lowered the mortality rate which led to a phenomenal increase in the population.

Public education was also fostered by the British. While on the lower levels instruction was in the vernacular, the official language of higher education became English as a result of Macaulay’s famous Minute in 1838. English instruction gave to the multilingual country a common language, serving as an important factor in unifying its intelligentsia. The results of the educational system in India were poor. By 1941 only about 15 per cent of the population was literate.<sup>2</sup>

### **Political Orientation in the Nineteenth and Twentieth Centuries**

Comparative equilibrium was established in India after the Mutiny, which lasted almost uninterruptedly until the year 1885 when the Congress movement was launched. Even hidden signs of nationalist stirrings in the country were hardly discernible. The British were in full control, doing much as they pleased. For some years the intellectuals of Muslim India, coming from the slowly rising middle class, were absorbed in reinterpreting and reshaping their traditional beliefs and outlook to the new needs of the bourgeois class. But before entering into this new phase of activities in India, it will be desirable to stop for a moment to review briefly the history and influence of a curious movement that developed in the beginning of the nineteenth century in India.

### **Sayyid Ahmad’s Movement**

In order to gain a sufficient understanding of Sayyid Ahmad’s movement, erroneously known under the name of Wahhābī movement in India, it is necessary to inquire into its origin. Such an inquiry would lead us back to a seventeenth century Muslim savant, Shāh Waliallāh.

Shāh Waliallāh was born in a critical period of Indian Muslim history. His lifespan covered the reigns of several Emperors, from the last years of ‘Ālamgīr to the beginning of Shāh ‘Ālam II. Internecine strife was rampant in the country. A man of Waliallāh’s genius and erudition could not fail to notice the general decline of the once glorious Mughul Empire. Neither

<sup>1</sup> W. N. Brown, *The United States and India and Pakistan* (Cambridge: Harvard University Press, 1955), p. 49.

<sup>2</sup> *Ibid.*

could he suffer quietly and despondently, seeing its ultimate ruin. Driven by his own zealous enthusiasm and by the instigation of his teachers in Mecca, under whom he perfected his learning in the course of fourteen months, he devoted all his energies to the revival of Islam and to the resuscitation of the decadent Muslim society in India. In order to bring the *Qur'an* within easy reach of the masses, he translated the Holy Book into Persian. Facing violent opposition and charged with *bid'ah* (innovation), he devoted many of his books, whose number exceeds thirty, his sermons and writings to purge Indian Muslims of their superstitious beliefs and practices, to rid them of fanaticism and bigotry and to place the interpretation of Muslim tradition on a more rational and scientific basis. Fearlessly he declared himself the reformer (*mujaddid*) of his time. The influence of Walīallāh was tremendous in his lifetime and in the century following his death. The emergence of Sayyid Aḥmad's movement was closely connected with Walīallāh's reform activities and his attempts to save Islam in India by bringing it back to its pristine purity.<sup>1</sup>

Sayyid Aḥmad of Rāi Bareli was a mystic and a warrior. He felt a burning desire to restore Indian Islam to its preeminent position in the body politic. In this endeavour he was joined by Shāh Ismā'il, the grandson of Shāh Walīallāh. Sayyid Aḥmad secured a large following for his religious reform movement whose noble aim initially was to purify Islam and return it to the simplicity of the faith of Muḥammad's Arabia. After his pilgrimage to Mecca in 1822, where he probably became acquainted with the tenets of the Arab *Wahhabis*, his following vastly increased in his native country. At that time, the movement, though still religious in spirit, had adopted political connotations. It appealed to the Muslims of India to unite for liberating the Muslims of the Punjab from the Sikhs. For all practical purposes the military movement of Sayyid Aḥmad was limited to the Punjab and aimed at liberating the Punjabi Muslims from the Sikhs by means of an organized *jihad* that conceivably was supported by Muslims of all strata of the population both rich and poor.

<sup>1</sup> M.S. Hasan al-Ma'sumi, *An Appreciation of Shah Waliullah al-Muhaddith al-Dihlawi in Islamic Culture*, XXI, 4, Hyderabad: October, 1947.

Simultaneously with Sayyid Aḥmad's *jihad* movement, the *Fara'idi* movement was organized by Sharī'at-allāh in Bengal. Under his successor Titū Miyān, the Muslim peasants near Calcutta were driven into a peasant uprising. Despite the strong tendency of modern historians to consider the three movements as one, there are no substantial reasons for doing so.

Sayyid Aḥmad's movement was not, in the strict sense of the word, a nationalist movement, since its immediate aim was a limited and localized one—to help the Muslims of the Punjab, though it created a wide organization and led to considerable awakening among the Muslims. The first widespread nationalist movement on the Indian subcontinent was not Muslim, but had a great influence in fostering Muslim national consciousness. The Indian National Congress was created comparatively recently, in 1885.

### **The Congress Movement**

Many reasons have been advanced by scholars of Indian history for the origin of the Indian National Congress in 1885. Opinions are expressed that it was organized for the purpose of expressing a common Indian view,<sup>1</sup> or for the sake of urging "the enlargement of the Legislative Councils and wider opportunities for admission to the higher ranks of the Indian Civil Service."<sup>2</sup> The argument is also advanced that civil servants who were already for some time in the service of the administration "were beginning to outgrow their opportunities, and to feel themselves strong enough to venture asking for more opportunities."<sup>3</sup> These views were probably correct, all stemming from that spirit of nationalism that began to stir the intelligent strata of the population under the impact of Western learning and example to feel a gradual increase in self-confidence and a desire to come into their own.

Despite the agitation of Muslim leaders against joining the National Congress, Muslims have participated in its deliberations in substantial numbers. In the beginning it had no specifically Hindu character, was open to all groups and was loyal to the British. The influence of moderate Hindus like Gokhale, prevailed. With

<sup>1</sup> Moreland and Chatterjee, *op. cit.*, p. 427.

<sup>2</sup> Rawlinson, *op. cit.*, p. 185.

<sup>3</sup> W.C. Smith, *Modern Islam in India* (Lahore: Minerva, 1943), p. 198.

the turn of the century, however, the anti-Western and anti-Muslim policy of Tilak gained the upper hand, forcing the Muslims to organize themselves into an independent party.

In order to understand adequately the creation and the composing elements of the Muslim League, it is imperative to start at an earlier period when the task of building the spiritual foundations of the new movement began.

#### **Muslim Conciliatory Movements :**

##### **Sayyid Ahmad and Amir 'Ali**

The history of the Muslims in India in the nineteenth century makes rather sad reading. Especially from the Mutiny of 1857 onwards there was a progressive cultural, political, and economic deterioration that was partly caused by the suspicious attitude of the British toward Muslim ambitions and partly by the inability of the Muslims to adapt themselves to the changed situation. When English was introduced as the official language of the country and schools built on a Western pattern began to function, the Hindu city-dwelling upper and middle classes were on the alert to grasp the opportunity. The Muslim gentry, proud of its traditional culture and resenting the intrusion of a foreign culture fell quickly behind. As a consequence, Hindus entrenched themselves in government service from which the Muslims were excluded. They also succeeded in taking advantage of the opportunities offered by the English commercial and industrial expansion, thus succeeding in creating a Western minded Hindu middle class which the Muslim society lacked. This disparity was artificially stimulated by the British to the detriment of the Muslim upper classes. The situation changed somewhat around 1870. The English began to realize that they had made a mistake in putting all the blame for the Mutiny on the Muslims. They also conceived that the Muslim community could be an effective weapon against the rising demands of the Hindus, all the more so since the small Muslim upper classes were at that time, under the capable leadership of Sir Sayyid Ahmad Khan, completely loyal to the Crown.

Sayyid Ahmad's loyalty to the British was of old standing. During the Mutiny he supported the English, for which he was decorated by the government. Distressed by the decadence of his co-religionists, he worked hard to clear them of guilt in the eyes

of the rulers and to bring about a political rapprochement. His belief in the benefits of Western culture was strengthened by his visit to England in 1869. After his return to India he concentrated on awakening the Muslims to the necessity of Western education. In 1875, helped by the British who had in the meantime adopted a benevolent attitude towards the Muslims, he established the Muhammedan Anglo-Oriental College which later developed into the Aligarh Muslim University. It soon became the cradle of Muslim political thought in India. "That marked the turning of the tide, the end of the decline and the beginning of a recovery."<sup>1</sup> The following year he began his work on "a radically new interpretation of the Quran and Islam in the light of nineteenth century rationalism."<sup>2</sup> Throughout his life he took a keen interest in the problems of government, where he voiced complete loyalty to the British and introduced the notion of separate electorates for Muslims in the system of representation.<sup>3</sup> When the Indian National Congress was formed, he begged his co-religionists not to join it, warning them that the Muslim community was still too backward to defend itself against "majority rule," which meant the continuous rule of the Hindus and the constant repression of the Muslims.

Professor Symonds ably summarizes the activities of Sayyid Ahmad Khan as follows:

In theology he had reconciled Islam with Western learning. In education he had given the Muslims their own college where they could pursue Western studies without becoming worse Muslims. In government service and commerce he had made openings for the new educated Muslim middle class. In politics he had stated that the Muslims were a nation who could not and must not be submerged in a system of government by majority vote. The Pakistanis rightly claim him as one of the fathers of their country.<sup>4</sup>

Sayyid Ahmad Khan admired Western achievement. He, therefore, founded a movement in favour of contemporary Western culture.

<sup>1</sup> R. Coupland, *The Indian Problem*. I (New York: Oxford University Press, 1944), p. 32.

<sup>2</sup> Smith, *op. cit.*, p. 10 (Ch. I deals with Sayyid Ahmad in detail).

<sup>3</sup> Coupland, *The Indian Problem*, I, appendix II, p. 154. Extracts from *Proceedings of the Council of the Governor General of India*, 1883.

<sup>4</sup> R. Symonds, *The Making of Pakistan* (London: Faber, 1949), p. 32.

Amir 'Ali admired Islam in its simplicity, purity and dynamism. He started a movement in favour of the Islamic culture of the past.<sup>1</sup> Amir 'Ali was more aggressive and positive than Sir Sayyid. While the latter tried to prove the advantages of Western learning to the Indian Muslims, the former triumphantly proved the historical achievements of Islam. Sayyid Ahmad Khan tried to adapt Islam to progress; Amir 'Ali proclaimed that Islam is identical with progress. His greatest contribution lies in awakening the religious consciousness and pride of the Indian Muslims and in giving them a powerful emotional impetus in pointing to the glorious record of Islam.

### **The Muslim League**

At the beginning of the twentieth century the relationship between the Hindu and Muslim communities became strained. Under the impact of recent developments and the adoption of a new attitude, the Muslim middle class had just begun to enter the clerical professions for which it still needed the support of the government. The Hindu upper classes, on the other hand, had passed that stage already and were now entering independent industrial enterprises. This economic difference had its strong political repercussions. The Muslims were loyal to the government, though sometimes mildly critical. The Hindus, however, turned militantly nationalistic and began to demand 'colonial self-government.' Simultaneously, the National Congress became predominantly Hindu in ideology (in composition it was so from its start). This scared many Muslims who were by no means willing to exchange the old British rule for the new Hindu one. Especially impressive was the vigorous agitation of the Hindus against the partition of Bengal in 1905 by Curzon into two parts, one of which would have a Muslim majority, the other a majority of Hindus. The agitation was accompanied by boycott of British goods, terrorism and murder.<sup>2</sup> The success of extremist groups in Congress and the fear of them led the Muslims to organize into a separate party, called the Muslim League, in 1906, mainly in order "to protect and advance the political rights and interests of the Musulmans of India."<sup>3</sup> The same

<sup>1</sup> Smith, *op. cit.*, Chs. I and II.

<sup>2</sup> Thompson and Garratt, *op. cit.*, p. 579. "Between 1906 and 1909 over 550 political cases came before the courts in Bengal, two British magistrates were murdered..... and an attempt was made upon the life of.....Lieutenant Governor of Bengal."

<sup>3</sup> Form the first Resolution of the Muslim League at Dacca, quoted by Symonds, *op. cit.*, p. 41.

year the Muslims appealed to the Viceroy, Lord Minto, to grant a separate electorate to the Muslim community in the forth-coming political reforms. The government reacted favourably to the request, and in the Morley-Minto reforms of 1909 the principle of separate electorates was introduced.

A great change in Muslim sentiment took place in 1912, when the British government revoked the partition of Bengal. This compromising step in favour of the Hindus antagonized the growing Muslim middle class. Although they were none-the-less suspicious of Hindu motives, they co-operated now with the National Congress in the fight against the common foe. In 1913 an objective already adopted by Congress was accepted by the League, demanding self-government for India within the Empire. On the threshold of the First World War this was a dangerous phenomenon for Great Britain that might have easily turned into a disaster if the leaders would have been willing to take advantage of British weakness. However, the Indians were magnanimous, and instead of hindering the British war effort, they helped it in proportion to their strength.

The war period and its aftermath saw one of the unprecedented instances of co-operation between Hindus and Muslims. They agreed, for the only time in their common history, on the future Constitution of India. In the Lucknow Pact of 1916, Congress recognized the League's claim for separate Muslim electorates, and the two parties reached an agreement on the proportional division of seats in the legislatures. A year later, Montagu, Secretary of State for India, announced the forthcoming Montagu-Chelmsford Reforms (Government of India Act of 1919), wherein some concessions were made to the Indian nationalists that were not altogether satisfying. In addition, the Rowlatt Acts of 1918, which, seriously interfering with individual liberty by permitting incarceration without open, regular trial in courts, aimed at crushing the extensive terrorism in the peninsula, had by their provisions so enraged nationalist India that all the nice promises of the Reform Act were soon forgotten. To top all that, the news of the infamous Amritsar massacre, in which 379 unarmed Indians were killed and 1200 wounded by the British, brought the Congress to a frenzy wherein they decided to

launch a nation-wide non-co-operation movement to break the government. The Muslims joined the Congress whole-heartedly in its efforts, partly prompted by the desire to weaken the British hold on the Muslim world.

### **The Khilafat Movement**

The end of World War I saw the downfall of the Ottoman Empire. The last free Muslim state in the world was tottering and nearing extinction. The share of Great Britain in the overthrow of the Empire was known to the Muslims in India and was exaggerated to the point where it was considered "a general conspiracy among the Allied Christian nations to dismember Muslim unity and scotch pan-Islamism."<sup>1</sup> Muslim reaction in India resulted in the formation of the intensive Khilafat movement, which helped to whip up anti-English sentiment to the highest degree. The Muslims, fighting for the Turkish Caliphate, and Congress, fighting for home-rule, were united for a while under the leadership of Gandhi in their hatred of the English. In 1920, after the issuance of the Khilafat Manifesto, Mohammed Ali, the leader of the movement, left for Europe to present the Khilafat case. His efforts were fruitless. In 1922 the Turks themselves abolished the Caliphate. The campaign thus ended in complete failure. It, however, had a lasting effect on the Muslims in India, who "were drawn back by the enthusiasms of these years into a religious loyalty."<sup>2</sup> The Khilafat movement, having joined hands with the Congress in the effort of non-co-operation until called off by Gandhi in 1922, is the last example of Hindu-Muslim harmony good-will and fraternization.

### **Movement for Pakistan**

After the close of the first non-co-operation movement the League and Congress were never on the same side again. They worked like two titanic forces against a common enemy, but they were themselves unable to come to terms. The reasons for the breakdown of Hindu-Muslim co-operation following the harmonious unity of the early twenties are manifold. In general, they naturally can be derived from the deeply ingrained cultural differences that made prolonged

<sup>1</sup> Brown, *op. cit.*, p. 73.

<sup>2</sup> Smith, *op. cit.*, p. 233.



partnership between the two communities practically impossible. In particular, the fall of the Turkish Caliphate brought the Indian Khilafat movement to an end, while simultaneously the breakdown of the non-co-operation movement awakened the deep-seated antagonism of some Hindu segments of the population against the Indian Muslims. The sudden Hindu reaction against their Muslim neighbours following the non-co-operation movement could be explained by the realization of the Hindus that the Muslims played a substantially greater and more active part in the movement than was to be expected, considering their numbers. The reaction expressed itself in the re-organization of anti-Muslim movements, like the Shuddhi movement, the Sangathan, and the Rashtriya Swam (Sewak Sangha). In turn the Muslims formed organizations, like the Tabligh and the Tanzim for self-protection. Co-operation between the two communities had thus degenerated into an unfriendly attitude that continued throughout the years to come.

In the meantime, the Congress continued its struggle for freedom un-interruptedly. The League, however, fell into a stupor from which it did not wake up until the disastrous elections of 1937. We will deal with the relevant details in our next section on communalism. Let it suffice here to say that the tragic results of these elections had an electrifying effect on Muslim leadership. Urged by Iqbal, a vigorous propaganda campaign was conducted in the country to shake off the apathy of the Muslim population. The torch of Indian Muslim nationalism was finally beginning to burn brightly under the auspices of the League led by Mahomed Ali Jinnah. No half measures were to be taken. The League was fighting on all sides: against Congress, against the English, and against the lethargy of its own followers. The culmination of this nationalistic upheaval was the Lahore Resolution of March 26, 1940 demanding the establishment of an independent Muslim State in India.

#### **The Lahore Resolution, March 26, 1940**

Thus it was in 1940 that the League formally endorsed the creation of an independent Muslim state as its main objective.<sup>1</sup> The resolution ostensibly came as a reply to the futile and protracted

<sup>1</sup> For the complete text of the Lahore Resolution see B. R. Ambedkar, *Pakistan* (Bombay: Thacker, 1946), p. 3.

efforts of the Simon Commission 1927-29, the Round Table Conference, 1930-32, and the Government of India Act, 1935, to form a workable scheme of federation in the country. Dr. Ambedkar summarizes the Muslim demands expressed at Lahore as follows :

- 1, What the Muslims are asking for is the creation of administrative areas which are ethnically more homogeneous.
2. The Muslim want these homogeneous administrative areas which are predominately Muslim to be constituted into separate States;
  - a. because the Muslims by themselves constitute a separate nation and desire to have a national home, and
  - b. because experience shows that the Hindus want to use their majority to treat the Muslims as though they were second-class citizens in an alien State.<sup>1</sup>

The Muslims received the declaration with enthusiasm; Hindu leaders considered it as a chimerical play or as a treacherous act to break the integral unity of India and refused to take it seriously. But their opposition could not stop that flow of nervous energy, creative enthusiasm, nationalist feeling and religious devotion that was led into positive channels by the Lahore Resolution, that opened a new vista of action, achievement, and glory to a people downtrodden and trampled upon, which could be satisfied only with the supreme achievement of an independent, sovereign Islamic state of Pakistan.

### **Muslims and Hindus: The Issue of Communalism**

#### **The Religious Factor**

“Modern nationalism has displaced religion as the chief factor in human group relationships. Throughout human history, however, there has been a constant interplay between religious denominationism and those basic elements of state and territory, ethnic descent and language which have always constituted the major ingredients of national feeling.”<sup>2</sup> Because of this interplay between nationalism and religion the latter has a strong appeal to nationalist elements and continues to be a powerful force even in those countries where

<sup>1</sup> *Ibid.*, p. 2.

<sup>2</sup> S. Baron. *Modern Nationalism and Religion* (New York: Harper, 1947), p. 7.

Church and State are separated. Wherein lies the appealing power of religion is hotly debated by theologians and philosophers and cannot be dealt with at this point in any detail. What we are here concerned with is that religion, besides striving for a high ethical ideal, is also "inextricably interfused with the general complex of social relations and endeavors which constitute civilization."<sup>1</sup> It is thus that religion can become nationalized, assuming the aspect of cultural nationalism which again often turns into political nationalism.

One can correctly assume that Indian political nationalism was but such a development from cultural nationalism that originated when the ancient faith and culture of the Muslims and Hindus was in danger of extinction. A writer of pre-partition India tells us that

the secret of Indian unrest is to be found in the efforts of the Hindus to save their ancient faith and culture from being submerged by the tide of Western civilization. The Muslims are fighting the same battle and they are also struggling to prevent themselves from being overwhelmed by the Hindus when the British legions are with-drawn. This explains both the Hindu-Muslim entente, which is so difficult for the British to understand, and the growing friction between the two communities, which is so difficult for the Indians themselves to understand.

Religious consciousness and, thereby, the power of religion was intense. Until the British occupation the country had lived for hundreds of years under governmental systems where religious law was the law of the state. With the advent of the British rule there was substantial secularization on the subcontinent. Still, religion continued to be the directing principle in the every day life of the masses. Before long, religious differences were an effective political weapon in India and were used by the interested parties to their greatest advantage under the collective term "communalism."

<sup>1</sup> S.S. Cohon, "Religion" in *Universal Jewish Encyclopaedia* (New York 1943), IX.

<sup>2</sup> W. R. Smith, *Nationalism and Reform in India* (New York Yale University Press, 1938), p. 305, quoting from the Marquess of Zetland, *The Heart of Aryavarta*.

### Definition of the Term 'Communalism'

Communalism in a popular sense could be considered an acute self-consciousness of the different religious groups in India. One might add that it also entails "the sense of insecurity which any community feels and the accompanying action it takes to protect itself and further its own interests."<sup>1</sup> Religious loyalty seems to be its basis and it is assumed on that ground that the community is strong enough to overcome any inner social political or economic friction. It is supposed to be a strongly cohesive group, embracing the peasants and landlords, the indebted and the moneylender, the fanatic believer and the sceptic who profess to belong to one religion. "In imposing its categories of thought upon its victims, it aims at exterminating all other sociological and political categories."<sup>2</sup> It assumes that a Muslim proletarian has more in common with a Muslim capitalist than with a Hindu or Sikh who shares his misery.

In a sense a communal group might be compared to a nation. With few exceptions, history proves that within a nation internal discord gives way to co-operation and unity in the face of external danger. To cite but one example, when World War I broke out, the French revolutionary socialist and the French capitalist fought side by side against the common national enemy, despite all the efforts of the Second International to foster solidarity among the workers of all Europe and make them resist a call to war. Neither did the workers of the other countries hesitate to rally around the banner of their beloved fatherland. All slogans of brotherhood and common interests of the proletariat transcending national boundaries were forgotten when the nation called to its children. The emotional appeal of the nation was found irresistible.

<sup>1</sup> Brown, *op. cit.*, p. 113. In order to gain a more complete picture of the complex situation on the Indian peninsula, it is important to note that communal friction did not involve only Muslims and Hindus. Other minorities also continued, on a relatively smaller scale, intense agitation for the benefit of their community. The Sikhs and some Pathans even went so far as to demand an independent Sikhistan and Pashtunistan respectively. Fortunately, this example was not followed by the Parsis, Christians or the Untouchables, who satisfied their political ambitions by clamouring for more substantial representation on official bodies.

<sup>2</sup> Smith, *Modern Islam in India*, p. 185.

Similarly, on the Indo-Pakistan subcontinent, too, the appeal of nationalism—popularly known on the subcontinent as communalism—was strong enough to unite the various economic, political, and cultural factions of the Muslim community or nation. Facing the danger of losing their identity in the face of an overwhelming Hindu majority, the different interest groups among the Muslims allowed any inner conflicts to give way to mutual co-operation. The common cause was paramount in the eyes of the Muslim populace. It is, thus, possible to equate communalism in pre-partition India with nationalism, religion and culture being the uniting factors of the group subject to a common emotional appeal.

### **Hindu-Muslim Co-existence**

There is evidence in history that communal loyalty was not always so overwhelming as it appeared to be in the twentieth century; neither was communal antagonism. Hindus and Muslims had lived, after all, side by side for a few hundred years. There were periods in the past when Hindus and Muslims shared equally in the spoils of government and were treated with equal respect. A notable example of such internal harmony would be the reign of Akbar. How far political interests can go in healing communal antipathy can be shown by the Lucknow Pact of 1916 and the first non-cooperation movement, when Hindus and Muslims were fraternizing as never before. They drank from the same water and Muslims even invited Hindus to preach in their mosques. These examples, however, might seem spurious when taking into consideration the host of arguments that were lined up in the twentieth century to convince the people of India, the English authorities, and the world that communalism is an active factor in India to which one can close his eyes, but whose bitter consequences one cannot avoid.

### **Communalism : An Artificial or Natural Cleavage**

Two views are generally accepted by writers on Pakistan and pre-partition India on the issue of communalism. One view is that communalism is an artificial cleavage, the other is that it is embodied in the history of the subcontinent. Those who claim that this feeling of separatism was artificially instilled into the Indian population point out that there were no communal riots before British occupation and

even during the occupation they were sparse until the turn of the last century. One writer says : "The Hindu-Muslim problem is an artificial English irritant."<sup>1</sup> Further, "The Muslims are not a separate people. They are Indians who happen to attend a Muslim mosque instead of a Hindu temple."<sup>2</sup> Professor W. C. Smith says : "It is usual now to recognize that the communal antagonisms of India's middle class are due to the British imperial policy of 'divide and rule.'<sup>3</sup> Brailsford, an English liberal and a strong critic of his government's India policy agrees with Professor Brown that "it was the Morley-Minto Reforms that inaugurated modern Indian political communalism"<sup>4</sup> by introducing the principle of communal representation through separate electorates. He is extremely bitter against the Indian administration for having adopted this measure that retarded the development of India's social consciousness for purely selfish—and in the long run detrimental—reasons.<sup>5</sup> On the other hand, Rawlinson thinks that "there is of course no foundation for the accusation that the British government pursued a policy of divide and rule... The authours of the Montagu-Chelmsford Reforms, like Morley, were deeply reluctant to accept communal electorates."<sup>6</sup>

While many writers disagree with Rawlinson, they also disagree with the opposite contention, that the monster of communalism was an English creation for the sake of devouring Indian nationalist sentiment in its tender age. They claim that, while the British did their best to take advantage of prevailing communal sentiments, communal friction existed from the moment when Hinduism and Islam first met.

In spite of centuries of association, Hindus and Muslims represent two distinct cultures; their religious conceptions stand as a great barrier against a complete merging together. There is no interdining and intermarriage and these two factors have been a bar to social assimilation. Their admired

<sup>1</sup> F. Gunther, *Revolution in India* (New York : Island Press 1948), p. 12.

<sup>2</sup> *Ibid* p. 21.

<sup>3</sup> Smith, *Modern Islam in India*, p. 208.

<sup>4</sup> Brown, *op. cit.*, p. 125.

<sup>5</sup> Brailsford, *op. cit.*

<sup>6</sup> Rawlinson, *op. cit.*, pp. 188 ff.

legendary heroes and historical personalities are different; in fact, those revered by one group are either hated or ridiculed by the other... At every railway station there are separate Hindu and Muslim restaurants, denominational tea-stalls and even the drinking water is labelled 'Hindu' and 'Muslim.'<sup>1</sup>

The author then goes on enumerating the striking differences in food, dress, personal appearance, and names between the two communities.

No unanimous opinion of the nature of communalism and its development will ever be reached. The fact, however, is that as a political weapon it was frightfully effective, leading to the partition of India on a communal basis.

### **Communalism on Economic Lines**

There is no doubt that the underlying factor of communalist feeling is religion and culture. As was explained above, the cultures of the two groups, which are inextricably interwoven with their religion, although they developed side by side for a thousand years, clash on more points than they have in common. A peculiar feature of Hindu-Muslim communalism, however, is that the religious differences happen to coincide with the economic differences to such a great extent that it is sometimes difficult to distinguish between the two.

It will be remembered that the Muslims ruled India before the advent of the British. Changes came about with British penetration. The Hindus did not lose anything with the coming of the British. To them it was a routine change in masters to which they adapted themselves as quickly as conditions permitted. The Muslims, however, naturally resented British interference in their affairs that culminated in the destruction of the Mughul Empire, their loss of liberty and self-determination. This resentment was partly shown in their reluctance to assimilate Western culture. Further, the British viewed with suspicion the former matters, lest they have designs to regain their freedom, and were more favourable toward the Hindus. The tragic Mutiny of 1857 also victimized the already backward

<sup>1</sup> Nafis Ahmad, *The Basis of Pakistan* (Calcutta : Thacker 1947), p. 27. See also Ambedkar, *op. cit.*, Part I, Ch. II and W. R. Smith, *Nationalism and Reform in India*, Ch. XI.

Muslim upper and middle classes. Changes in anti-Muslim policy were introduced only by the end of the nineteenth century, when the realization dawned upon the British that the Muslims could be utilized in hampering resurgent Hindu nationalism. Innovations in governmental policy with the intent of helping Muslim advance could change the economic situation but slightly. In the race for higher economic standards the Muslims had no chance to beat, or even to catch up with, the Hindus. Big industry and finance, banking, money lending, and land ownership were largely in Hindu hands.<sup>1</sup> Soon the Muslims began to associate their economic oppression and backwardness with Hindu unscrupulousness and greed, fighting it as class against class. Obviously, the communal dividing line and the economic class divisions coincided only very roughly. The majority of Hindus were peasants, just like the Muslims and there were some Muslims competing with Hindus in big business, too. Still, the economic differences were directed into communal channels.

Whether the communal problem is strictly religious or whether it is economic with a revered religious garb as some writers would like us to believe, the fact is that once it struck roots in the heart of the peoples of the Indian peninsula, it became a strong motivating factor in their political activities, to an extent that the history of the first half of the twentieth century in India can plainly be called communal history.

#### **Solution of the Problem : Independent Muslim State**

As the twentieth century progressed in its course, a curious dichotomy developed in the Muslim nationalistic aspirations on the Indian subcontinent. On the one hand, they increasingly demanded more freedom from British rule. On the other hand, the more freedom was given by the English and the closer came the day of final liberation from the colonial power, the more obstructionist did the League become, the greater were its demands and the more frequent were the bloody communal riots. "The more sharply the contours of Indian nationalism stood out in the Congress Party, the more widespread grew the anxiety among the Muslims lest, failing timely precautions, Islam should be submerged in a Hindu sea. As the

<sup>1</sup> Brailsford, *op. cit.*, p. 94.



prospect of Indian self-government drew nearer, anxieties and hesitations naturally grew still more acute."<sup>1</sup> The reason for this restless behaviour can be found in communal antipathy that had by the end of the 1920's become so ingrained that it formed part and parcel of every Indian's social and political thinking. While desiring to throw off the foreign yoke—the Muslims were not willing to exchange it for the yoke of a seemingly antagonistic, indigenous Hindu majority. They wrangled with this Gordian knot, searching in haste for a solution to their weighty problem.

Until the election of 1937 the Muslim League at least half-heartedly cooperated with Congress in the fight against the common enemy. The demands at the Round Table Conference in London (1930—1932) were mainly confined to the insurance of the separate electorates and greater weightage in representation. Previously, political activity was largely centered on this point for many years. But the situation changed radically in 1937. According to the provisions of the Constitution of 1935, provincial elections were held that year in India for the Legislative Assemblies of the eleven provinces. Congress won a resounding victory, attracting for its Muslim candidates a large number of the Muslim votes. The League made a very poor showing in the elections and there was a hope of co-operation in the legislatures. Obviously, this strengthened the contention of the Congress that it represented a united India on the political scene, irrespective of denominational differences within it, and it acted as a setback to the Muslim claim that they are a distinct nation in India who deserve the right of self-determination. Jinnah who was permanent president of the League since 1934, instigated by Iqbal, immediately began feverish activity to re-establish the prestige of the party. The League, which was up to now mainly middle class in composition, turned now with its appeals to the masses. An All India Committee was formed, presided over by the Raja of Pirpur, to establish the grievances of the Muslims against Congress domination and oppression. The findings of the committee were sufficiently propagated to arouse widespread sympathy among the Muslims for their oppressed brethren and turn them against the

<sup>1</sup> Fernau, *Muslims on the March* (New York : Knopf, 1954), pp. 199-200.

Congress. The Report stated that Muslim children had been made to worship the portrait of Mr. Gandhi, that they were forced to sing the anti-Muslim *Bande Mataram*, that Muslims were intimidated from eating beef, etc. Within a short time Muslim League became the only popular rallying point for the Muslims of India. Rigorous discipline was enforced in the League. Double allegiance was forbidden. Nobody could be a member of the Congress who joined the League. The organization became active, dynamic and efficient.

At the outbreak of World War II, when the Congress ministries resigned in protest for not having been consulted before India was drawn into war by a declaration of the Governor-General the League celebrated 'Deliverance Day.' The resignation of Congress strengthened the influence of the League substantially. The English were now facing a non-co-operative majority and consequently had to turn for support in their war effort to the larger minority groups, promising, in turn, concessions to some of their demands. English promises to the League further enhanced communal friction. In 1940 the League proclaimed its demand for a fully sovereign, autonomous Muslim state in the famous Lahore Resolution. But the war slowed down the communal-nationalistic efforts of both Muslim and Hindu. The Japanese threat was real and had to be the first concern. The English Cabinet, seeking to gain full cooperation from the peoples of India, sent out Sir Stafford Cripps in 1942 with the promise of Dominion status, but complete freedom, was requested in turn, not after the war, but immediately.

With the end of the war events began to move swiftly. Dramatic national elections were held in 1946, which decisively proved that the League commanded the support of the overwhelming majority of the Indian Muslims. The Indian Independence Act was passed in July, 1947. Partition and Independence came into effect on August 15, 1947. While songs of joy and triumph, were being sung hundreds of thousands of people were killed in large scale communal rioting, millions were made homeless in the largest migration of peoples in history, and anarchy ruled on the throne where the shadow of imperialistic Britain was still lingering. On broken homes, shattered communication systems, abandoned factories and fields, ruined

economy, there emerged from the disastrous floods of blood and sweat and water a new spirit, a new promise, a new will dedicated to build on the yesterday, full of agonizing enslavement, a new home for the highest ethical ideals of humanity, a haven for the religion of Islam and its adherents.

## CHAPTER III

### THE CHARACTER OF PAKISTAN

#### Islamic State

#### Problems of Partition

The partition of the Indian subcontinent and the creation of Pakistan brought innumerable problems in its wake. These could be divided into three groups: problems of national administration, problems arising from the extremely poor economic conditions in the country and problems concerning the establishment of an Islamic State.

The job of "setting up house" on their own was urgent and pressing as the Muslims of the subcontinent found themselves independent. Central leadership had to assert itself immediately in order to prevent the development of anarchic conditions. The difficulties that the Muslim leaders encountered in that direction were staggering. There was no city at a safe enough distance from the border that would have offered itself as a natural choice for a capital, possessing the necessary office space and living quarters. There was a dire need of trained personnel, since most of the officials, financiers, businessmen, and technicians in British India were Hindus who chose to remain in independent India. The technical means needed for an efficient administration were also lacking. During the process of distributing them between the two countries which became heirs to the British administration, Pakistan was on the receiving end and therefore fell short of satisfying its needs. The division of the country into two parts East and West Pakistan, separated by more than a thousand miles of foreign territory with unsatisfactory links of communication between them and a strong tendency toward regionalism in the provinces constituting the new nation, offered an additional administrative headache. That these problems were at least partially solved, that Karachi, with a population of 360,000 in 1941<sup>1</sup> was able to be turned into a capital for a country of 75 million people, can be attributed to the wonderful

<sup>1</sup> *India, Pakistan, Ceylon*, ed. W.N. Brown (Cornell University Press, 1951 p, 193.

creative spirit and enthusiasm of the official personnel, many of whom were inexperienced in the type of job they had to perform.

A similarly great problem arose from the economic backwardness of the country. Millions of refugees streaming across the border into Pakistan had to be given food and shelter and had to be rehabilitated. Refugees leaving the country in great numbers left behind farms that fell into disuse and crops that were spoiled from lack of care, thus adding to the general misery caused by the extensive floods in some regions and failure of rains in others. However, not only the agriculture of Pakistan suffered in the few years following partition. In finance, Pakistan as an infant nation had difficulties in obtaining badly needed loans from other countries. Its financial assets, a heritage from the British rule, were withheld by India for a time on the pretext that they would be used against them in the Kashmir war. Industrially, too, the country was left without materials for heavy industries and without factories.

Economic backwardness goes hand in hand with a low standard of living. The United Nations estimates of 1950 show that the per capita annual income in Pakistan was only \$51.<sup>1</sup> This income is not enough even for bare sustenance. Obviously, adequate housing, education, health and other aspects of our culture that result from a higher standard of living have to be neglected in the struggle for sheer survival.

In addition, one has to keep in mind that Pakistan, in the first years of its existence, spent a substantial part of its budget on military expenditures to build up an adequate defence force. Even today the defence budget costs the nation more than half of its federal income.<sup>2</sup> It is thus understandable, that urgent measures were needed to ameliorate the economic situation.

### **Islam and Pakistan**

Basically, these economic problems were not new in the provinces from which Pakistan was carved. Independent India and prepartition India had to grapple with the same or similar problems. What

<sup>1</sup> *National Per Capita Incomes, 70 Countries—1949*, Statistical Paper, Series B, No. 1 (New York: United Nations Statistical Office, 1950), p. 15.

<sup>2</sup> *New York Times*, August 15, 1955. Article, "Karachi Premier didn't want Post" p. 3. The figure mentioned is 80 per cent, but this is slightly exaggerated.

was new in Pakistan was the intention to apply a fresh approach in order to find solutions for the ills of the vast, backward Muslim masses of the country. This intention led to the most turbulent controversy in the short history of Pakistan. The controversy revolved around the question: What kind of a state should Pakistan be? Opinions varied on this point. The minority wanted it to be a secular state that would evolve its own character and system of government in a democratic, evolutionary process. The majority, however, seemed to believe that "Pakistan was founded because the Muslims of this subcontinent wanted to build up their lives in accordance with the teachings and traditions of Islam."<sup>1</sup> The controversy assumed vast practical significance at the moment when the country was on the brink of adopting a Constitution, a blueprint for their new way of life.

The question was rather hypothetical. We learn from history that Pakistan "has been deliberately created not on an economic, linguistic or racial basis, but on that of religious unity;"<sup>2</sup> that under English rule the Muslim population rose to the outcry, 'Islam is in danger,'<sup>3</sup> that communalism could be identified most exactly by differences in culture or religion rather than economic status. It was, thus, a natural culmination of the aspirations of the Muslims in India that their religion and culture should play a vital role in the development of their country.

### **The Muslim and His Religion**

What is actually the relationship of a Muslim to his religion? "Islam has never accepted the view that religion is a private affair between man and his creator and as such has no bearing upon the social or political relations of human beings."<sup>4</sup> Submission to God's commands,<sup>5</sup> to His revealed word in the *Qur'an*, is practised by the

<sup>1</sup> Liaquat Ali Khan in *Constituent Assembly of Pakistan Debates*, Official Report, V (March, 1949), p. 2 (hereafter referred to as C.A.D.).

<sup>2</sup> R. Symonds, *op. cit.* p. 13

<sup>3</sup> *Ibid*, p. 55.

<sup>4</sup> Maulana Shabbir Ahmad Osmani, C.A.D., V (March, 1949), p. 44.

<sup>5</sup> M. Khadduri, *The Law of War and Peace in Islam* (London: Luzac, 1940). "The word Islam is derived from the verb *aslam* (surrendered) and its religious meaning is 'Surrendered to the will of Allah.' " (P. 3. n.)

Muslims in every walk of human life. In the words of Jinnah :

The Qur'an is a complete code of life. It provides for all matters, religious or social, civil or criminal, military or penal, economic or commercial. It regulates every act, speech and movement from the ceremonies of religion to those of daily life, from the salvation of the soul to the health of body, from the rights of all to those of each individual, from punishment here to that in the life to come.<sup>1</sup>

It is this all-embracing discipline of Islam that is most characteristic of an ideal Muslim society. Thus, Islam does more than simply regulate the worship of the true believer ; it is also his culture, his way of life. Or, in other terms, Islam is his religion which embraces his culture, his way of life, his noble ambitions and his appetites. It is a framework of which he might be more or less conscious but which he takes for granted. Because of its all-encompassing nature, the religion of the Muslims could, therefore, be an integral part of the new state of Pakistan.

#### **The Objectives Resolution, March 7, 1949**

The founding fathers of Pakistan were conscious of this fact. No wonder, therefore, that as soon as conditions permitted it, the Constituent Assembly of Pakistan passed an Objectives Resolution<sup>2</sup> proclaiming the identification of Pakistan with Islamic ideals. In the words of the Resolution : "The Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunna."<sup>3</sup> Further, "the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed."<sup>4</sup> These two provisions were the key points of the Resolution and were supposed to set the standard for an Islamic Pakistan. In fact, the Objectives Resolution became the light which led the drafters of the forthcoming Pakistani Constitution in a certain path throughout the stormy years following its adoption.

<sup>1</sup> Osmani, *loc. cit.*

<sup>2</sup> C.A.D. V, March. 1949).

<sup>3</sup> Liaquat Ali Khan, *op. cit.*, p. 1.

<sup>4</sup> *Ibid.*

As was already noted above, the question in so far as the relevancy of Islamic principles as an integral part of numerous phases of life and the functioning of the state apparatus were concerned, never became a serious one. With the sole exception of Mian Iftikhar-uddin, the Muslim League Party, the majority party of the Constituent Assembly, acted with unanimity in adopting the Objectives Resolution and thus virtually proclaiming Pakistan an Islamic State.<sup>1</sup> The minority voiced grave doubts about the advisability of this act. It evidenced stiff opposition to the passage of the Resolution. But all opposition was futile. The Pakistani Muslims were not willing to consider the renunciation of an experiment that could redound to the glory of an ideal in the name of which Pakistan was created. Thus, the opposition's argument that a modern state has to be a secular one<sup>2</sup> was overridden, while the plea that the state be a religious one but not particularly Muslim<sup>3</sup> was cast aside. The majority of Pakistan did not want a religious state they; wanted an Islamic State.

#### **Religious State and Islamic State**

In order to understand this attitude it is important to realize that many Pakistani Muslims looked at the State as a means toward the earliest and fullest attainment of the Islamic ideal of good life. Taking for granted the eventual Islamic quality of the State, they had to answer the questions, what form it was supposed to take, what methods it would have to apply, what technique could it have used for the fulfilment of this ideal. In search of an answer, they began to study the existing forms of government to see whether any of them would serve to attain their ideal properly. However, while adopting some external features of twentieth century governmental forms, Pakistani Muslim lawgivers were repulsed by the spirit that lay behind them. Although they believed in democracy and claimed that Islam in its true expression is democratic, they disliked many of its practical aspects as manifested in the modern world. They pointed out the fact that communists, just as well as

<sup>1</sup> The term "Islamic State," however, is lacking in the phraseology of the Resolution.

<sup>2</sup> Sris Chandra Chattopadhyaya *C. A. D.*, V (March, 1949), p. 9.

<sup>3</sup> Prem Hari Barma, *C.A.D.*, V, p. 33. (March, 1949).



socialists and capitalists, call themselves democrats and, despite that, act according to different standards of values. Neither of these standards was lofty enough to carry Islamic ideals to their complete realization. Therefore, Islam needed a new form of government that might as yet have been without precedent. For lack of any better nomenclature "Islamic" was applied to it.\* The true meaning of the word was not, and still is not, clear to the Pakistanis themselves.\*\* To many it did not mean that the State had to be necessarily religious in the conventional sense, even less did it have to be 'theocratic but it should be based on principles that are derived from the *Qur'an* and the Muslim tradition.

Although it is hardly possible to avoid ambiguity on this point, an inquiry has to be made for the purpose of clarification into the differences between Religion and Islam, if such differences exist at all. Generally, no such differences are recognized. The *Encyclopaedia of Islam* states that "Islam is the name which Muhammadans in every country give to their own faith."<sup>1</sup> The *Dictionary of Islam* gives a similar definition: "The religion of Muhammadans is called Islam."<sup>2</sup> These statements are based directly on the following verse in the *Qur'an*; "This day I have perfected your religion for you, completed my favour upon you, and have chosen for you Islam as your religion."<sup>3</sup>

While we thus know that Islam is generally identified with religion, we have to recognize that religion is a term that encompasses a broad scope of human feelings, emotions, attitudes, practices and thoughts. It encompasses what we can now distinguish as social, cultural, psychological, hygienic, ethical, moral, political and economic activities and standards. Similarly, science was once but one and

\*[It would be nearer the truth to say that no term in modern political phraseology can fully express the concept of the Islamic State; hence it is necessary to use this term—Editor]

\*\*[The statement is too sweeping to be accepted as unexceptionable—Editor.]

<sup>1</sup> T. M. Arnold, "Islam", *Encyclopaedia of Islam* (London: Luzac), II, pt. I. The *Handwörterbuch des Islam*, ed. A. J. Wensinck and J. H. Kramers, gives exactly the same definition but it uses the word "religion" instead of "faith."

<sup>2</sup> Thomas P. Hughes, *Dictionary of Islam* (London: Allen, 1885), under "Religion"

<sup>3</sup> V: 4, A. Y. Ali, *The Holy Qur'an* (Cambridge, Mass.: Murray Printing Co., 1946).

inseparable, and only progressively did it branch out into different fields that—though still interconnected—can be viewed independently of each other. The faster the civilization progressed, the more compartmentalized did the sciences become. Being conscious of the shortcomings of this comparison, it would be a staggering, and perhaps sacrilegious idea to suggest that religion might eventually have the same fate ; but it might be interesting to note that in Pakistan and other civilized countries people do have a tendency to compartmentalize some of the religious functions. This compartmentalization seems to result from attempts to discover the essence of religion.

To a number of people it might seem that if Islam essentially endeavours to produce an ideal man and an ideal society, then stress has to be put mainly on Islamic ethical and moral principles. Others—and this is the conventional view of Islam and as a matter of fact of any religion—consider it as a body of laws and regulations that have to be meticulously observed by the believer. Frequently, however, people belonging to the second category have a tendency to lose themselves in the legalistic maze of petty observances, ignoring the eternal religious values. Taking one random example, the *Qur'an* says (II : 177) :

Righteous is he who believeth in Allah and the Last Day and the angels and the Scripture and the Prophets ; and giveth his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and to set slaves free ; and observeth proper worship and payeth the poor due. And those who keep their treaty when they make one, and the patient in tribulation and adversity and time of stress. Such are they who are sincere. Such are the God-fearing.<sup>1</sup>

Individuals belonging to the first category mentioned above might not accept belief in "the Last Day and the angels." Still, they would consider themselves righteous and sincere and "God-fearing." Those belonging to the second category might not necessarily give their wealth "to orphans and the needy and the wayfarer," or they

<sup>1</sup> Mohammed Marmaduke Pickthall, *The Meaning of the Glorious Qur'an*, a Mentor Book (New York : New American Library, 1953).

might not be "patient in tribulation and adversity and time of stress." Still, they would consider themselves devout Muslims.

Stress on external observance and stress on ethical observance could by no means be tightly shut compartments of religious thinking. Neither are they the only two compartments. There are those who see in religion a bond of kinship resulting from the common faith of its adherents, from the pride in its history and its outstanding cultural contributions. History and culture are obviously deeply rooted in religion, still they are now considered by many as only aspects of it, independent of belief in a supernatural power. Those who follow the historical or cultural approach to Islam might observe most of the laws in the *Qur'an*, not with the attitude of fear, reverence, love or devotion, but as aspects of the Islamic culture. In that respect they contribute to the preservation of Islamic values. To the extent of their contribution they consider themselves religious individuals.

While the legal definition of Islam requires complete adherence to the *Qur'an* and to the principles derived from it, individuals and groups consider themselves Islamic by adhering to what they consider the essence of Islam : observance, or ethics, or culture, or whatever it may be. We, therefore, draw a distinction, however contradictory it may seem to be, between a Religious State, where the majority would be endeavouring to implement the totality of *Qur'anic* laws into the affairs of the nation, and an Islamic State, where the majority agrees on the implementation of *Qur'anic* laws but disagrees on the degree and extent of their application, on the basis of the different interpretations of the essence of Religion and Islam, prevalent at present in modern societies. While a Religious State would be a more or less homogeneous unit with little disagreement among its members as to ideology, purpose and method, an Islamic State is a sort of melting pot for the different concepts of Islam. Many disparaging remarks, like the statement that "Republic based on the *Qur'an* can't be democratic" and consequently "jurists protest Islamic Pakistan,"<sup>1</sup> are based on the opinion that an Islamic State is by sheer definition a Religious State where homo-

<sup>1</sup> *New York Times*, April 24, 1954. Article : "Jurists Protest Islamic Pakistan."

geneity will be enforced, opposition silenced free discussion, free press, criticism, not permitted to flourish, since the *Qur'an*, the accepted Constitution of the country, could never be questioned, being considered divinely inspired. Keeping in mind that the Islamic State presupposes disagreements that need airing and discussion on the degree and extent to which *Qur'anic* laws can be applied in the country, one does not have to fear the iron hand of the past 1350 years choking the budding future of Pakistan. No such thing can conceivably happen. In an Islamic State the people are the best judges to say what is Islamic and what is not Islamic. A country can be no more Islamic than the people inhabiting that country.<sup>1</sup> It is, therefore, no iron hand that would rule Pakistan, but rather the Common Will that would take shape in the melting pot of the different concepts of Islam.

It would be important that the difference—which is legally a pure fiction but practically a reality—between a Religious State and an Islamic State should be recognized by students of the Islamic State of Pakistan. If such a distinction would be drawn, even though it is not generally recognized by Pakistanis, much of the haze encircling the Islamic State could be dispelled and one could easily recognize the potential dynamic quality of such a State.

The above was by no means an attempt to define the Islamic State. It was an endeavour to see the Islamic Religion in various aspects and connotations, as it is viewed by a considerable number of Pakistani Muslims. We are not arguing the validity of this approach, but however critical one might be towards it, one must not overlook it as a potent factor in the shaping of the Constitution, and thereby the destiny, of Pakistan. A technical definition of the Islamic State will be attempted later on in this thesis.

### **Muslim State or Islamic State**

While the attempt to make a distinction between an Islamic State and a Religious State might seem sacrilegious in Pakistan, opposed to the generally accepted notion about Islam and contrary to traditional Muslim thinking, no similar inhibitions arise when the question is being discussed whether there is any difference between an Islamic State and a Muslim State. There are prominent Pakistanis

<sup>1</sup> See I. H. Qureshi, *Pakistan, an Islamic Democracy* (Karachi).

who are convinced that no such difference exists. An Islamic State, they would say, is one where the majority of the population is Muslim. This definition would make an Islamic State even out of Turkey, which is considered by its leaders a thoroughly secular state.

To the equation of "Islamic" with "Muslim" some writers would take exception. Khan Durrani, speaking about Islam in India in a historical setting, says : "The Muslim Empire in India was Muslim only in the sense that the man who wore the crown professed to be a Muslim."<sup>1</sup> In so far as adherence to Islamic standards was concerned, it fell short of the expectations. Similarly, W. C. Smith remarks that,

"an Islamic State is not one in which Muslims live and rule ; but one through which their purpose is to live and rule... as Muslims. Some Pakistanis drew a distinction on the score between the newly won dominion and say Egypt ; pointing out that most of the populace of such a state as Egypt may be individually Muslims, but they are politically not only by statute but by intent Egyptians ; the integrating and guiding principle of their state is not and does not pretend to be their religion."<sup>2</sup>

While it would be hard to imagine an Islamic State that does not have a majority of Muslims such a majority does not necessarily secure the establishment of an Islamic State. An Islamic State and an Islamic way of life is not birthright or an arbitrarily bestowed privilege. Its existence hinges on a determined, zealous will to build life upon ways and principles derived from the *Qur'an* and the Muslim tradition.

### **The term "Islamic State"**

According to the Objectives Resolution an Islamic State would be one which enables people to order their lives in accordance with the *Qur'an* and the Muslim tradition and where the noble principles of Islam are fully observed. Dr. Omar Hayat Malik, a member of the Constituent Assembly, said that "an Islamic State is simply a

<sup>1</sup> F. K. Khan Durrani, *The Meaning of Pakistan* (Lahore : Sh. M. Ashraf, 1944), p. 36.

<sup>2</sup> W. C. Smith, *Pakistan as an Islamic State* (A monograph to be secured from the author, McGill University, Montreal Canada), p. 12.

state that uses its power, its influence, for promoting the cause of Islam inside and outside the country."<sup>1</sup> Similarly, Mr. Fazlur Rahman defined the Islamic State as one based "on the Islamic concepts of life and from where they [the Pakistani Muslims] could give to the world a way of life which alone could ensure peace and happiness."<sup>2</sup> These definitions, as all definitions of an Islamic State, are not very helpful since they are not self-explanatory. They usually raise questions like, what is the cause of Islam that Dr. Maillk is referring to, or what are the Islamic concepts of like mentioned by Mr. Rahman? The answer to those questions is usually looked for in the lofty spheres of humanitarian ideals. This, however, is a fallacy, since the Islamic concepts of life, if examined from a humanitarian angle of what we call justice, righteousness, brotherhood, etc., can hardly be distinguished from the Christian and Jewish ideals of life. The real distinction between a truly Islamic, Christian, and Jewish State would not be in the ideals. These are universal and their concretization on earth is the aim of every great religion. If these lofty ideals would be the only sacred objects of veneration, it might not even be far-fetched to say that every pious Muslim could also be considered a pious Christian and a pious Jew and *vice versa*. A label "Islamic" might strike the eye when attached to an ideal, but does not reach the core of the problem. The Muslims mentioned in a preceding section who consider themselves "Islamic" by virtue of the fact that they adhere to the ethical ideas of the *Qur'an*, would exemplify this description, unless they also adhere to any of the traditions peculiar to the religion of Islam. Therefore, we could conclude that it is rather in the symbolic expressions of the ideals where the differences lie between Islam and other religions.

The instinct of self-preservation makes the religio-national units conscious of the above fact. Thus, a Muslim will cling to the *Qur'an*, just as a Christian will to the New Testament and a Jew to the Old Testament. They will each observe his respective holiday, they will say their respective prayers, they will venerate distinct holy sites, they will observe distinct customs of eating, dressing, and

<sup>1</sup> C.A.D. XV, 10 (October, 1953), p. 265.

<sup>2</sup> *Ibid.*, p. 257.

behaviour, they will each have an allegiance for his kin, a binding loyalty to his natio-religious group, or a certain pride in the history and glorious achievements of that group. Any of these symbols help the individual to identify himself with a bigger unit, or cause, and are, therefore, from the point of view of sheer religious survival, more important than high-strung ideals. Thus, an Islamic State, as distinct from a Christian or Jewish State, is one that will take care, in an organized way, to preserve its peculiarities, applicable to its stage of development, that are the product deriving from the genius of the Muslim past.

This attempted definition, like virtually all definitions of an Islamic State, is not self-explanatory, because it leaves unanswered the question of what these peculiarities or principles are that are applicable at some definite stages of the country's development. Since these applicable peculiarities might differ from year to year, similarly, definition will, in its specific meaning, have a new application from time to time.

The difficulties in recording and analyzing the changes in so far as development of the idea of the Islamic State is concerned, are twofold: Firstly, the process (and the Islamic State can now be considered as an unfolding process and not as a petrified ideal) cannot be measured by a yard-stick. Secondly, as already mentioned, the sheer definition of the term "Islamic State" can change from year to year. To measure the success of a process by drawing a single standard and then comparing the past and the present to that standard in order to see which period fits it more perfectly, is an imprecise—although the most convenient—method of coping with the issue at hand. The expression "process" implies evolution, constant change, a change in the definition of the very process itself. Thus the definition of the ideal Islamic State of the year of labour pains and emergency, 1948-49, might have been different from what it developed to be in 1953-54, after the first painful childhood experiences of the youthful country were over, and it might change even more by the time the new Constituent Assembly convenes in August, 1955, when one of its most urgent tasks will be to comply with the popular demand to adopt a Constitution. In an attempt to 'ac-

the change in the concept of the Islamic State in Pakistan. it seems

to be most feasible to choose two milestones in its short history as the leading thread. The first one, the Objectives Resolution, has been taken note of already. The second is the *Report of the Basic Principles Committee*.<sup>1</sup>

### **Report of the Basic Principles Committee**

There were actually three Reports of the Basic Principles Committee published at two-year intervals. The first one, the Interim Report of 1950,<sup>2</sup> and the second, the regular Report of 1952,<sup>3</sup> were not accepted by the Constituent Assembly. Opposition to two Reports was based equally on political and religious grounds. Political difficulties resulted mainly from the disagreements on the division of powers between the federal and provincial governments, on the question of representation between East and West Pakistan, and on the popular, chauvinistic issue of State language, called the Urdu-Bengali controversy. Opposition on religious grounds can be derived to the procedure to avoid repugnancy of the *Holy Qur'an* and the *Sunnah* in the Federal Legislature.

The Reports order that the head of the State should appoint "for five years a Board consisting of not more than five persons well versed in Islamic laws."<sup>4</sup> The Board would have to be consulted on the laws passed in the Legislature if any of the Muslim members should raise an objection that it was contrary to Islamic law.

The third Report met a better fate. It was passed by the Constituent Assembly, Pakistan's legislative and constitution-making body, on September 21, 1954. The consideration of this Report is all the more significant since this document, having been adopted by the Assembly before its dissolution at the end of 1954, has a good chance to become the living Constitution of Pakistan and to exert a lasting influence on the thinking and doing of the future generations of that country. Every further reference to the Report concerns the

<sup>1</sup> *Report of the Basic Principles Committee* as adopted by the Constituent Assembly of Pakistan, September 21, 1954 (Karachi, Government Printing Press, 1954).

<sup>2</sup> *Basic Principles Committee Interim Report 1950* (Government of Pakistan Press, Karachi).

<sup>3</sup> *Report of the Basic Principles Committee 1952* (Government of Pakistan Press, Karachi).

<sup>4</sup> *Ibid.* Pt. I, Ch. III, 5(1).



one that was adopted by the Constituent Assembly in 1954.

### **Changes in Emphasis within the Islamic State**

Before we begin to compare the notion of the Islamic State in 1949 to that of 1953-54, we have to recognize that since we are dealing with concepts, we are on very slippery ground at this point. Sometimes it is not so much what is expressed as what is not expressed, or the context in which things are said, that is the most eloquent witness of a pervading feeling. It is therefore difficult to pin down a certain definite trend that we could call the "Islamic State" or that we could recognize as leading to the ideal Islamic State.

"Pakistan first and Pakistan last was the only motto toward which they worked day in and day out,"<sup>1</sup> said an honourable member of the Constituent Assembly in 1953, referring to the members of the Basic Principles Committee. In reference to the same members one could have paraphrased the statement five years earlier in the following way: Islam first and Islam last was the only motto toward which they worked day in and day out. This shift in emphasis from Islam to Pakistan is rather felt than expressed. On both occasions, in 1949 and in 1953-54, the leaders of Pakistan grappled with similar problems. On the latter date they repeated the same arguments that they had already advanced once earlier in their solemn assembly sometimes even using identical phraseology for or against the Islamic State. Still the difference in emphasis from Islam to Pakistan was quite palpable. This feeling might have resulted from the relatively greater stress on practical application of *Qur'anic* law within the framework of governmental machinery in 1954 as compared to an abundance of theoretical-religious slogans in 1949. One can also sense that during the debates of the *Basic Principles Committee Report* (1953-54) in the Constituent Assembly, the Muslim representatives seemed to be driven rather by anxiety for the possibly greatest good and happiness of Pakistan and only secondarily for the glory of Islam—frequent assertions to the opposite notwithstanding,

<sup>1</sup> Mafizuddin Ahmad, *C.A.D.*, XV, 120. (6 October, 1953).

The healthy development of the country would also lead us to expect such a development. In 1949 the country was drunk with the ideal that made its independent existence possible and gained it a place among the sovereign powers of the earth. The Muslim majority clung to the principles for which it fought, in the name of which Pakistan was created. It did so with the unbounded pride of a people that has gained the first opportunity to reassert its cherished national heritage after two centuries of servitude. It might have done so under the sheer momentum of the recent struggle for an Islamic Pakistan, which momentum was still a dominating force in the life of the new state. Consequently, the emphasis on Islamic values overshadowed the need of a working economy and a modern governmental machinery. Everything Islamic was to be accepted and incorporated into the life of the new state. The *Qur'an* and the *Sunna* were to become the undisputed fundamental law of the country in all aspects of life : political and economic as well as social and ethical, in accordance with the accepted notion that Islam is a way of life. By 1953, however, the leaders of Pakistan must have realized that first and most of all Pakistan must exist before it is to be completely Islamicized. Problems of building up a sound economy, of getting more cereals for the people of raising the standard of health, sanitation, education and literacy, soon became the main preoccupation of the Pakistan government. The basic needs of the country had to be taken care of, preferably in agreement with the principles of the *Qur'an* and *Sunna*, but if there is no other way, then in spite of them.

Similar developments are frequent phenomena in history. The Russia of 1918 was to be built on communist doctrines. But when the proper functioning of the state was endangered by resistance to collectivization, the *khulaks* (independent landowners) were permitted to retain their farms temporarily. The safeguarding of the country was paramount in Lenin's eyes to the Communist ideals. In the United States, too, while the Declaration of Independence proclaimed the doctrine of human equality, the institution of slavery was permitted to thrive simultaneously as long as the economic stability of the country so required it. Muslim history also offers

similar examples. Thus, when the Muslims occupied Sind, they were faced with the problem of adopting a certain *modus vivendi* with their Hindu subjects.<sup>1</sup> Hitherto only the followers of the four religions mentioned specially in the *Qur'an*—Judaism, Christianity, Zoroastrianism, Sabianism—had been accorded the status of *dhimmis*, provided they recognized the political supremacy of Islam. On the other hand, the pagans of Arabia had not been given that status. Hindus were considered to be pagans. Evidently, the Hindus were not to be treated as *dhimmis*. However, this would have made Muslim rule over a Hindu majority impossible. In order to secure the Muslim hold on Sind and to make co-existence possible, the Muslim doctors of law declared that Hindus should be treated as *dhimmis*. They actually did not act contrary to the *Qur'an*, but they extended its provisions concerning non-Muslims farther than the simple, obvious reading of the passage would permit. Although they were devout Muslims, the survival and prosperity of their people were paramount in their eyes. In the light of these examples a devout Pakistani Muslim need not feel bad when realizing the shift in emphasis from Islam to Pakistan that took place within the first eight years of the country's existence.

<sup>1</sup> *Cambridge History of India*, ed. Sir Richard Burn (Cambridge, Eng. : The University Press, 1928,) III, 3-4. See also I. H. Qureshi, *The Administration of the Sultanate of Delhi* (Lahore : Ashraf, 1942), pp. 2-3.

### **A note on the importance of "State" in Islam**

No doubt, scholars of Islam would agree that emphasis on Pakistan is not contrary to Islamic principles. One authority even claims that Pakistan is Islamic by the sheer process of having come into existence. "The drive for an Islamic State in India was in origin not a process by which a state sought Islamicness, but one by which Islam sought a state."<sup>1</sup>

From the dawn of its history, Islam emerged as a social, cultural and political organization, despite the fact that it became known chiefly as a religious one. "Although we are apt to think of Islam as a religion, it is probable that the Prophet thought of it rather as a nation."<sup>2</sup> Muhammad was not only a prophet; he was also an administrator, ruler, judge and military leader. "He was not content to preach his religious doctrines only, but sought, after the hijra (flight) to Medina, to lay down the foundations of a political entity which was destined later on to be as large as the Roman Empire".<sup>3</sup> The coordination of all the spheres of human activity at the centre had become traditional in Muslim governmental life after Muhammad. "There was absolutely no separation of powers in Islam, the religious and the political were but one thing and the individual allegiance was never divided."<sup>4</sup> In this respect Islamic practice differed from its Christian counterpart, where the Pope was restricted to spiritual rule, while temporal leadership fell into the hands of

<sup>1</sup> W. C. Smith, *Pakistan as an Islamic State*, p. 12.

<sup>2</sup> D. S. Margoliouth, *Mohammedanism*, Home University Library Series (London: Williams and Norgate, n. d.), p. 75.

<sup>3</sup> Khaddri, *op. cit.*, p. 4. See also R. A. Nicholson, *A Literary History of the Arabs* (Cambridge, Eng.: The University Press, 1930, pp. 169 ff.)

<sup>4</sup> Khaddri, *op. cit.*, p. 7.

[The phrase separation of powers is not used here in its technical sense, referring to the powers of the Judiciary, the Executive and the Legislature—Editor.]

those who often differed with the Pope in their interests and ambitions. The reason for these developments can be found in the anti-state origin and evolution of the Christian religion. Islam, on the other hand, instigated by political and economic circumstances on the Arabian peninsula, had from its very inception strongly emphasized the need of a powerful, functioning state apparatus. From the outset the state was considered the mainstay of Islam. It was considered, however, not only a means of prestige and power through which Allāh could be glorified and the Islamic ideals or good life achieved. It was looked upon as the surpeme achievement of Muslim activity and aspirations to be protected and sustained by the principles of the *Qur'an*.

The statement, that Pakistan is Islamic by the sheer process of having come into existence, might perhaps be better understood in the light of the importance attributed to the political organization in Islam. It becomes obvious that the support of the state is just as much a religious duty as praying five times a day, the observance of *Ramadan*, and proper ethical behavior. The support of the state is, however, not to be confused with the support of the government. While the former is the embodiment of the Islamic ideals, a stable organism, the latter might, due to human failings, become un-Islamic and, therefore, unrepresentative of the people. The recent, almost imperceptible, shift in emphasis from Islam to the state of Pakistan was entirely legitimate, especially since it aims to serve the good of the Muslim masses.

### Seeming Contradictions

When tackling the problem of the shift in emphasis within the "Islamic State" from "Islamic" to the "State," certain observations can be made that would indicate a seemingly inherent contradiction in that behavior. On the surface it can be accepted without difficulty that the Islamic way of life embraces both political and religious goals. However, sometimes the political interests seem to clash with what is conveniently called religious interests and preference has to be given to one over the other. Thus, we read in the *Report of the Basic Principles Committee*, Part I, Chapter III, paragraph 4: "No Legislature should enact any law which is repugnant to the Holy

Quran and the Sunna,"<sup>1</sup> followed by paragraph 10 (1): "The provision of paragraph 4 should not apply to fiscal and monetary measures, laws relating to banking, insurance, provident funds, loans and other matters affecting the existing economic, financial and credit system."<sup>2</sup>

Probably being conscious of the contradictions, the framers of the *Report* hasten to add: "After a period of twentyfive years a Commission should be appointed to report on the steps and stages by which sub-paragraph (1) can be amended so as to make paragraph 4 applicable to the matters mentioned in sub-paragraph (1)."<sup>3</sup>

The prevailing attitude of 1949, that the country can be truly Islamic only when the principles of the *Qur'an* and the *Sunnah* are embodied in its system of law, has, for the sake of the country's survival, undergone a change. The ideal Islamic State of 1954 was rather one that continued striving for the assimilation of Quranic laws into the body politic by taking suitable steps to bring the existing laws into conformity with Islamic principles.<sup>4</sup> Thus, the state can be called Islamic—even though the laws affecting the existing economic, financial and credit systems are not in harmony but rather in seeming contradiction with the letter of the *Qur'an*—as long as it tries to preserve in an organized way the distinct achievements of the Muslim past that are applicable to its stage of development.

Precisely for the preservation of the spirit and the genius of the Muslim traditions, the *BPCR* provides that—

Steps, particularly those specified below, should be taken in the various spheres of government activities to enable the Muslims to order their lives individually and collectively in accordance with the Holy Quran and Sunna.

(a) Facilities should be provided for them to understand what life in accordance with the Holy Quran and the

<sup>1</sup> *Report of the Basic Principles Committee* as adopted by the Constituent Assembly of Pakistan, September 21, 1954 (hereafter referred to as *BPCR*), p. 4

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, paragraph 10 (2).

<sup>4</sup> *Ibid.*, ch. II, "Directive Principles of State Policy," paragraph 3, p. 2.

- Sunna means, and the teaching of the Holy Quran to the Muslims should be made compulsory;
- (b) Prohibition of drinking, gambling and prostitution in all their various forms;
  - (c) Elimination of "Riba" as and when it may be possible to do so;
  - (d) Promotion and maintenance of Islamic moral standards; and
  - (e) Proper organization of Zakat, Waqfs, and Mosques.<sup>1</sup>

A categorical approach, which manifests itself most conveniently in marking off one period from the other by clear cut distinctions, can easily distort the truth in a considerable manner. The writer would like, therefore, to emphasize that the two periods do hardly possess any really distinguishable qualities, except those that flow from the changing needs and circumstances of a growing country. Thus, it would be false to define the idea of the Islamic State of the period of the Objectives Resolution as merely "a state which is run on the exalted and excellent principles of Islam",<sup>2</sup> just as it would not be justifiable to call the Islamic State of the *BPCR* a state which tries to adopt only as many and such laws of the *Qur'an* and the *Sunnah* as the healthy functioning of a modern twentieth century Pakistan permits. The two approaches overlapped in 1949 and they overlap in 1955. But in 1949 the need of the country demanded an additional stress on Islam while in the process of development in the following year circumstances required to pay attention to a smooth, uninterrupted economy for the benefit of the state.

Undoubtedly, in many Pakistani minds the two contradictory approaches form a single inseparable unit. It should be pointed out here that such contradictions are not proofs of weaknesses in logical thinking. Religion, when embracing a way of life, is more complicated than mathematical formulas. It might try to demand complete subordination of the human being to one single purpose, so that all his actions and thoughts should serve that purpose. But we are more complex than to be able to live up to such an expectation. In practice man does not think consistently of the one and only single

<sup>1</sup> *Ibid.*, paragraph 2.

<sup>2</sup> Maulana Shabbir Ahmad Osmani, *C.A.D.*, V, 3 (March 9, 1949) p. 45.

purpose that is supposed to underlie his activities. Instead, he charts out limited objectives, a Pakistani Muslim can strive to have a state run on the exalted and excellent principles of Islam, while in the sphere of politics and nationalism he will probably work for the adoption of such laws only from the *Qur'an* and the *Sunnah* which will help in the progress of modern Pakistan. The two approaches, when examined side by side, are inconsistent. The consciousness of this inconsistency, however, will not change human thinking habits. Once we learn that a normal human being does not usually possess a single-purpose mind that views everything from a broad aspect, we will also accept that inconsistencies, as a rule, are consistent in our thinking. The Pakistani Muslim can, therefore, be sympathized with and understood in his contradictory double emphasis; the primacy of the glory of Islam and the primacy of the glory of Pakistan.

### Adjustments in Islamic Law

There can hardly be any doubt that the palpable shift in connotation from Islam to Pakistan arose partly from the growing realization that not everything that is in the *Qur'an* and the Muslim tradition can be brought back to life in the twentieth century. The *Qur'an* dates to the seventh century and seems to cope with the problems of the contemporary society.<sup>1</sup> Throughout the history of Islam the *Qur'an* had to be constantly reinterpreted to adjust it to the changing circumstances in the Muslim world.<sup>2</sup>

<sup>1</sup> A. Guillaume, *Islam* (Edinburgh: Penguin Books, 1954), p. 73.

<sup>2</sup> H. Lammens, *Islamic Beliefs and Institutions* (London: Nethem and Co. 1929), p. 179. The author says: "One of the characteristic traits of Islam is its conservative spirit. It professes to be the cult of the Sunna and of the Tradition. Outside the path traced by the Sunna or custom of the prophet and followed by the 'pious ancestors' it knows no salvation. Every innovation (*bid'a*) every departure from the Sunna, appears to it suspicious and synonymous with heresy..... But life pays no attention to abstract theories. In order to live, Islam has had to bow to the condition governing all living organisms. It has unbent and adapted itself to surroundings and circumstances; it has admitted modifications and compromises."

[The contradiction in the two statements, supported by the authority of Guillaume and Lammens respectively, is quite obvious. The fact that the *Qur'an* has been consistently reinterpreted does not prove that it 'seems to cope with the problems of the contemporary society.' It was and could be reinterpreted just because it did not cope with the problems of the contemporary society only—Editor]



The conditions of the days when Pakistan was created require that the old laws be interpreted in a new light again since many traditional precepts were not intended for a mechanized economy and were not adapted to the specific psychology and social conditions that are the concomitants of that system.<sup>1</sup> To enforce in our days that no interest be taken on moneylending, the way the *Qur'an* prescribes it, might perhaps have a crippling effect on a country's banking system and could lead to complete economic ruin. To exercise certain maximum punishments as directed by tradition, would be considered barbaric in this period and might draw the world's condemnation in its wake.

The argument that the social and economic systems of our time might be less satisfactory than the system built on the *Qur'an* could be morally justified while we stand terrified under threatening atomic mushroom clouds. Still, mankind cannot give up the achievements of a few hundred years and turn back the clock of time at its pleasure. Man cannot undo what he has already done, even though the past seems more alluring than the present. The famous discussions on man's free will are morally very uplifting in their positive results, but are to a very great extent theoretical. Man's tomorrow is always the product of today and yesterday. And while yesterday in the case of Pakistan is rooted in the system of the *Qur'an*, the

<sup>1</sup> At present Pakistan is more involved in the capitalist system than in any other. This does not mean that there are no Pakistanis who would give preference to another way of life. Mr. Jaffri, editor of the *Civil and Military Gazette* of Karachi, says: "Communist democracy is nearest to Islamic democracy. And as Communism has compromised with faiths worshipping God in the USSR (referring to the Soviet Constitution of 1947) we will not be going against our objectives if in matters of economics we model our Basic Principles on Communist economic experiments." F.S. Jaffri, *The Spirit of Pakistan* (Karachi: Ansari, 1951), p. 99. In an official publication we can read, however, that "politically, Muslim beliefs are in sharp contrast to Communist dogma and this feeling is reflected in government policy." *Background*, article: "Pakistan, Faith Builds a New Force in Asia" (Karachi: Office of Public Affairs and Department of State March, 1953). Both could be justified in their claim, depending on from what angle the question is being considered. Just like Communism, Islam is community minded. But, contrary to Communism, Islam does not repress individualism. Mr. Jaffri stresses the first approach, the official publication the second one.

today is attached with unbreakable chains to the system of an industrial society. It is an ideal situation when the today develops in a systematic, evolutionary process from yesterday. However, when the evolutionary process is interrupted and the past and the present are at odds, painful conflicts are bound to develop within an individual just as well as within a nation. The idealist and the practical tendencies of a people get bogged down into a merciless war with each other; the idealist serving the past and the practical the future in this case. That the practical tendency gains the upper hand in this strife is obvious. A nation has to, and wants to, exist as equal to its peers. However, the victory of the present does not mean the overthrow of the past. Even in most revolutionary circumstances the development of a country is conditioned by, and is the outgrowth of, the character of the people which, in turn, is but a bundle of collected experiences of the past. Thus, in saying that the present has the upper hand over the past, one can only mean that it is the past that is made elastic and applicable to the present and not *vice versa*.

In a state which proclaims unambiguously as a basic tenet that "no legislature should enact any law which is repugnant to the Holy Quran and the Sunna,"<sup>1</sup> the question is very acute: How can this adjustment of Quranic principles to a highly technical society be carried through? That such adjustment has to be from the past to the present we have just concluded hypothetically.

Prominent Pakistanis who would like to avoid drastic, harmful and sometimes ignoble clashes among groups advocating different degrees of Islamicness in the process of adjustment, proclaim their hope in the revival of *Ijtihad*.

*Ijtihad* or the exercise of the judgment is expressly recognized in the Hadith as the means by which a decision may be arrived at when there is no direction in the Holy Quran or Hadith. The following Hadith is regarded as the basis of *Ijtihad* in Islam: "On being appointed Governor of Yaman, Mu'adh was asked by the Holy Prophet as to the rule by which he would abide. He replied, 'By the law of the Quran.' 'But if you do not find any direction

<sup>1</sup> BPCR, Pt. I, Ch. III, paragraph 4, p. 4.

therein,' asked the Prophet. 'Then I will act according to the Sunna of the Prophet,' was the reply. 'But if you do not find any direction in the Sunna,' he was again asked. 'Then I will exercise my judgment (*qjtahidu*) and act on that,' came the reply. The Prophet raised his hands and said: 'Praised be Allah who guides the messenger of His Messenger as He pleases,' (*Sunan* of Abu Dawūd 23:11.) This Hadith shows not only that the Holy Prophet approved of the exercise of Judgment, but also that his Companions were well aware of the principle, and that Ijtihad by others than the Prophet was freely resorted to when necessary, even in the Prophet's life-time.<sup>1</sup>

Pakistani Muslims express their hope that studying of the law will begin again; that will facilitate the revival of *Ijtihad* and, in turn, "further adaptations and changes will be brought about in the law to suit the modern conditions."<sup>2</sup> A popular and respected Pakistani woman declared in the Constituent Assembly: "I personally do not think that there is anything in the Quran or Sunna that prevents Ijtihad, for Islam is a living religion and its commandments are capable of being adapted to every society."<sup>3</sup> The same speaker, with the characteristic approach of a modern woman, speaks with contempt about polygamy that is still permissible in Islam and says: "I would like to bring forward a law restricting polygamy, because the way polygamy is practised by men today is not Islamic, but I know that I will not be allowed to do so."<sup>4</sup> Speaking about the ease with which a man can get a divorce in Islam she further says: "I would like to have the Divorce Law made so stringent that no man gets away with it so easily. But I know that I will not be allowed to do so."<sup>5</sup> She would not be allowed to do so, although she was a member of the Constituent Assembly and had a right to introduce bills, because public opinion would not permit it. Public

<sup>1</sup> Maulana Muhammad Ali: *The Religion of Islam* (Lahore: Ahmadiyyah Anjuman Isha'at Islam), 1950, p. 98.

<sup>2</sup> Begum Shaista Suhrawardy Ikramullah, *CAD* XV, 14 (October 26, 1953), 450.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

opinion would tolerate radical reinterpretation if *Ijtihad* were revived in its unlimited sense. She is sure, like many other Pakistanis, that this is bound to happen very soon under the incentive of the needs of a newly created state and will serve as the solution for the problem of how to adjust tradition to present-day needs.

At present, while Pakistan is undergoing an inner and prolonged conflict in the process of adopting *Qura'nic* laws to twentieth century needs and in the attempt to pass an Islamic Constitution that will suit the divergent groups, the country is still ruled by the provisions of the India Act of 1935. Changes in this Constitution have been introduced periodically by the Constituent Assembly. But the dominant motive in legislation is still the old Indo-English. This will change only with the adoption of the new Constitution that is expected to happen during the 1955-56 session of the Constituent Assembly.

### **Economic Development of Modern Pakistan**

The question of the compatibility of an Islamic State with the requirements of twentieth century economy was vital in the first few years of Pakistan's existence. As was already made clear, the momentum of Pakistan's creation increased religious intensity to the utmost. The influence of learned *mullas* grew out of proportion with their numerical strength. In that period the definition of the Islamic State was one where possibly all the laws of the *Qur'an* and *Hadith* would be observed.<sup>1</sup> This posed a problem of compatibility in economic activities between some traditional laws and the present-day requirements. Economically, Muslim tradition was fitted for a landed agricultural society. For centuries the Christian Church and the Muslim tradition were in agreement in forbidding interest on money lent to their believers. The Christian Church has long since reversed its position and keeps discreet silence on that score. The *mullas* or the leaders of the Islamic State also must face the task of adjusting the financial laws to the present needs. In 1949, however, there were high hopes in some circles that Islamic laws could be accepted *in toto* without any changes regarding economics.

"In the economic sphere Islam lays down regulations

<sup>1</sup> *Objectives Resolution, CAD, V* (March, 1949), 2.

designed to secure the maximum and the most beneficent distribution of wealth. For this purpose it prescribes certain things and prohibits certain others. Its system of inheritance and the zakat are illustrations of the former; its ban against the lending of money on interest, of the latter.<sup>1</sup>

The possibility of enforcing these regulations was strongly impressed upon the people. There has been talk among Pakistanis that a system can be put into operation which will sidestep the collection of interest and still encourage banking and capitalist enterprises. Such system, however, has yet to be worked out and tested on the anvil of life.

### **Economic Regulations of the Qur'an and Modern Needs**

No doubt the *Qur'an's* prohibition against the taking of interest had an adverse effect on Muslim economic life on the Indo-Pakistani subcontinent.

“A fairly well developed banking system existed in British India prior to partition.....As Muslims are prohibited by the Koran from interest taking, the facilities which existed in Pakistan were primarily banks operated by Hindus and branches of foreign banks. Pakistan's banking facilities were greatly reduced in the first two years after partition, when many Hindu bankers and moneylenders left Pakistan, particularly West Pakistan. The number of offices of scheduled banks dropped from 314 to 62.”<sup>2</sup>

A few concrete instances, frequently singled out by the opponents of the Islamic State in a disparaging manner to point to the difficulties in adjusting Quranic principles to a modern economic system, are far from enough proof of the weakness of Islamic laws. Every economic system has its weaknesses that are frequently eliminated only in the process of functioning. True, the Islamic economic regulations have religious sanction and are, therefore, dogmatically adhered to by orthodox elements. But these elements are either bound to change their minds in a legitimate process of altering

<sup>1</sup> Zafrrulla Khan, *op. cit.*, p. 67.

<sup>2</sup> U. S. Dept. of Commerce, *Investment in Pakistan* (Washington D. C. Government Printing Office, 1954), p. 96.

certain laws for the good of the people, or they are bound to lose ground to forces which are willing to give a less literal and a more liberal interpretation to the traditional laws in an effort to create a modern planned economic system in the country. The official organ of the Muslim League made the following statement concerning changes in the pattern of thinking in the field of economics and other related fields :

“ In Pakistan, where we are confronted with the task of leaping the gap of centuries in a matter of years, this question of perspective in planning is charged with superlative moment. Far from making only minor adjustments in the existing setup, we are required to metamorphose our entire economy, and our entire society, into a new pattern according to a certain design which has, of necessity, to be modern in its conception as well as in its technique of execution. The country has to be brought abreast of the modern, twentieth century world, in terms of the actual living conditions and living standards of the people including social, cultural and even moral standards. And unlike many other nations, we do not have an uncharted sea of time in which to launch our little steam boat, with numbered centuries ahead in which to do our exploring for civilization. We have a definite goal to reach, and must make it in as little time as possible.”<sup>1</sup>

Whatever the theoretical arguments one could advance to point out how difficult, if not impossible, it would be to build an Islamic State in the twentieth century, Pakistan, basically following the road of Islam, however, has now become wide and more taxing, but at the same time more concrete and rewarding than the one followed six or eight years earlier, at the time when the *Objectives Resolution* was adopted. Then the aim was to enable the Muslims to live according to the *Qur'an* and the *Sunnah* and to have certain noble principles adopted as “enunciated by Islam.” A critic of the government was to a great extent justified in stating that “in this Resolution we do not give any safeguards whereby people would be free to vote, whereby people will not be influenced by the masters

<sup>1</sup> *Pakistan Standard* (Karachi), August 10, 1955, p. 4.

under whom they work. Had we brought in such safeguards for them, then only would it be possible for us to give the people of Pakistan a real democracy and a constitution which would have been for the people and of the people.”<sup>1</sup> Certain basic rights of the people, the rise in living standards, wages, labour, etc., were neglected in an all-out effort of a certain faction of Pakistani Muslims to enforce an Islamic Constitution—on the meaning of which there was neither inter-faction nor intra-faction agreement—while others expended their energy on postponing the adoption of such a Constitution. Exactly eight years after the hard-own self-determination of the Muslims on the Indo-Pakistani subcontinent we can feel a tinge of regret in the Pakistani Muslims for the oversight of some vital issues at the time of the country’s conception :

“ After independence our first concern should have been our economic progress and stability. But once again we were caught in the meshes of a political dilemma on the home front. Pakistan’s Constitution proved to be an elusive entity.....I do not deny that a constitution is necessary. But all that I say is that in our search for an agreed constitution, let us not forget to focus attention on such fundamental problems as the common man’s basic need for food, shelter and clothing.”<sup>2</sup>

As the years passed increasingly more concern was given to economic problems. The notions that “there is faith in Almighty God which will keep the two main units of Pakistan united<sup>3</sup> and that the brotherhood of all Muslims will create an invincible bond among the members of the fold on an international and individual level, eradicating all corruption and diverse interest between various economic and interest groups, gave way to sound economic planning. The torrents of words on the Islamic State continued ceaselessly, but here and there riots, strikes, threats of succession, decrease in popular support, and to some extent, an earnest patriotic desire for the glory of the country focused increasing

<sup>1</sup> Mian Iftikharuddin, C.A.D., V, 4, March, 1949-53.

<sup>2</sup> G. Allana, “Not Only a Constitution...” *Pakistan Standard* (Karachi), August 14, 1955, p. 4.

<sup>3</sup> Jaffri, *op. cit.*, p. 128.

attention on more concrete phases of work within the framework of the Islamic State than those to which time was devoted in the past.

### **Some Concrete Achievements of the "Islamic" State**

It was pointed out earlier that Pakistan, as it stands now, can be considered an Islamic State. The economic progress that Pakistan has made since its birth proves best the vitality of an Islamic State in the twentieth century.

After partition Pakistan was in a sad economic state. There were altogether 10 cotton mills, 4 spinning mills, 9 sugar factories, 5 cement factories and 3 works of the enamelled wares in the country. There were also 2 large petroleum refineries in West Punjab and a negligible number of small factories.<sup>1</sup> An economist, writing about the deplorable economic situation in Pakistan a year after it came into being, says :

"The backwardness of the present industrial state of Pakistan lies in the old British policy of treating the whole of India as one economic unit. The result is that industries in India have been concentrated in certain areas only to the neglect and detriment of other areas, such as those now lying in Pakistan. It was a lopsided industrial development of the country, with the result that the resources of these parts were not only neglected but they also lay unexplored for a long time. Pakistan, therefore, happens to be a predominantly agricultural and industrially backward country today. For example, though East Bengal is the best jute producing part of the world with the contribution of 75 per cent of first class jute, it has practically no jute mills and almost all the jute products have had to be exported through the port of Calcutta..... Such an uneven economic development was really one of the reasons for the demand for the partition of India".<sup>2</sup>

In 1950 approximately two-thirds of Pakistan's inhabitants earned

<sup>1</sup> M. B. Pithawalla, *An Introduction to Pakistan* (Karachi, 1948), p. 67

<sup>2</sup> *Ibid.*, pp. 71-72.



their livelihood from some phase of agriculture.<sup>1</sup> The percentage has but slightly changed till now. Thus, Pakistan is primarily agrarian in character. In order to help the vast masses it was, therefore, imperative that irrigation, crop raising and agricultural processing should be improved, ancient implements be exchanged for a mechanized agriculture and the farmer be given back his dignity, self-esteem and freedom by making him an independent landholder. The development programme of the Pakistani government was worked out in consideration of the above needs in order to insure national prosperity. The total expenditure of projects completed since partition, or those in the process of completion, amounts to 16,753 million Rs.<sup>2</sup> Some significant details in this development are the building of irrigation facilities, barrages and dams, canalization of flood waters, provision of adequate storage facilities for food-grains, schemes to protect the plants against insects and pests, provision of fertilizers and a number of other miscellaneous projects. A Village Agricultural, Industrial Development Programme (abbreviated into V-Aid) was also launched in 1953 in order "to stimulate self-confidence and self-help, and thus to release the dormant energies and resources of the people to constructive purposes on a national scale."<sup>3</sup> In addition, the Central Cotton Committee (Grow-More-Cotton Campaign) was established in January,

<sup>1</sup> *Investment Opportunities in Pakistan* (Office of the Economic Adviser, Ministry of Economic Affairs, Government of Pakistan, 1950). Pithawalla, *op. cit.*, tells us that the ratio between agriculture and industry is 9 to 1. But considering that Pakistan is an underdeveloped country, any statistical classification might considerably vary from the truth.

"The classification of national income by industries is based on the concept of income originating in each branch of economic activity, but in an economy where sizable groups pursue a number of occupations outside the main industry in which they are supposed to be engaged, it becomes difficult to distinguish between income originating in an industry and income received by persons engaged therein. Thus, for example, the total earned income of the agricultural population may be different from total income originating in agriculture."

*Statistical Bulletin* (Central Statistical Office, Ministry of Economic Affairs, Government of Pakistan, February, 1955), p. 133.

<sup>2</sup> *Pakistan, 1954-1955* (Karachi: Pakistan Publications, August, 1955), p. 52. The official exchange rate of the Pakistani Rupee was U. S. \$30. *Investment in Pakistan*, p. 4,

<sup>3</sup> *Ibid.*, p. 56.

1949, the Central Jute Committee in August, 1950, the Food and Agriculture Council in December, 1951, with the object to promote scientific and technological research in the respective fields and to step up production. Other Committees or Departments were established concerning plant protection, afforestation of the land,<sup>1</sup> soil conservation, fisheries, animal husbandry, and other enterprises relating to the field of agriculture. A movement for cooperative farming, cooperative housing, cooperative agricultural marketing, cooperative agricultural credit societies, is well on the way and already can boast of some achievements.<sup>2</sup>

While great emphasis has been put on the reconstruction and development of agriculture, enormous strides have been made in creating industries connected with it. Since Pakistan has started practically from scratch, with the few industries mentioned above, the progress of development can by necessity be only slow. An American official publication describes the difficulties of industrializing Pakistan in the following way:

"The problems faced by Pakistan in its attempt to bring about even a limited degree of industrialization are many and difficult. Severe shortages of fuels and power are formidable obstacles to such a project. Both coal and petroleum production are presently inadequate and Pakistan's per capita power supply is among the lowest in the world. The Government has made some progress toward overcoming the situation, however, through the installation of thermal plants while proceeding with the development of Pakistan's quite considerable hydroelectric power potential. Furthermore, it is hoped that additional exploration will reveal new sources of fuel similar to large natural gas deposits recently discovered in Baluchistan, which appear to be of major importance."<sup>3</sup>

The publication considers "the slow rate of capital formation and investment" an even more serious problem than lack of fuel and

<sup>1</sup> "The total land area under forest is not over 5 per cent. although by modern standards about 25 per cent of the area should have been covered by trees to enable adequate supply of forest produce." *Ibid.*, p. 106.

<sup>2</sup> *Ibid.*, p. 109.

<sup>3</sup> *Investment in Pakistan*, p. 4.

power. The attempt to change Pakistan's agricultural economy into a semi-industrial one had, therefore, many obstacles to overcome. In a statement of the "Industrial Policy of the Government of Pakistan," issued on April 2, 1948 by the Ministry of Commerce, Industries and Works,<sup>1</sup> the methods of achieving the objectives are made clear. The government pledged itself to a policy of private enterprise and free initiative. While it submits, on the one hand, a list of twentyseven industries subject to central planning, on the other hand, it goes out of its way to encourage private capital investment in industrial enterprises, by exempting new industrial undertakings from the payment of income tax, by giving special depreciation allowances, by promising favourable tariff rates, by expressing its intention to assist industry through an Industrial Finance Corporation and by many other means. As a consequence of the government's liberal economic policy the pace of industrialization of the country has been steadily increasing.

"The results achieved since 1950, when the implementation of the Six-Year Development Plan was taken up, are impressive. Taking the index of industrial production for the year 1950 at 100 a rough survey of the production of 17 major industries indicate the corresponding indices as 125 for 1951, 160 for 1952, 235 for 1953, and 285 for 1954..... The number of manufacturing establishments, as defined in the Factories Act increased from 1,800 in 1953 to 2,751 in 1954.<sup>2</sup>

To cite some details as an illustration: Petroleum production was up 52 per cent; cement 65%; sugar 10 per cent; cigarettes 208 per cent; and cotton textiles 347 per cent.<sup>3</sup> A Pakistani official publication states that "we are now self sufficient in food, cloth of coarse and medium varieties, jute manufactures, cigarettes and matches and nearly so in cement, paper and other essential commodities."<sup>4</sup> According to

<sup>1</sup> *Ibid.*, p. 165. Full text of Statement quoted.

<sup>2</sup> "White Paper on the Government of Pakistan Budget 1955-56," *Economic Observer*, Karachi, April, 1955, p. 53,

<sup>3</sup> "Economic Strides Cited in Pakistan," *New York Times*, April 1, 1955.

<sup>4</sup> *Press Information Department, Government of Pakistan* (July 26, 1155). E. No. 3455.

Pakistani economists, by 1958 "Pakistan will have attained a high degree of self sufficiency in consumer goods."<sup>1</sup> Presently, however, the supply of consumer goods is reported to be low, and the government seems to be relying in its development plans upon deficit financing.<sup>2</sup> This condition can be attributed to the great dependence of Pakistan upon foreign exchange earnings from a few agricultural raw materials.<sup>3</sup> Difficulties caused by dependence on foreign markets and exchange are at present bridged by the help of foreign economic aid. Hopes that Pakistan, as an Islamic State, will, within a few years, reach a reasonable degree of economic self-sufficiency are well substantiated by the progress made since partition.

In so far as the labour policy of Pakistan is concerned, there is ample room for improvement. The labour force is continually growing in proportion with the modernization and industrialization of the country. While the government is trying "to evolve a system calculated to promote collective bargaining through organizations of workers as well as employers,"<sup>4</sup> the position of the workers in Pakistan is still not satisfactory. The following excerpt can give a fair illustration of the magnitude of problems concerning labour legislation in the country:

The existing labour laws mainly apply to workers employed in (1) factories employing 20 or more persons and using mechanical power (181,752 workers in 1949); (2) mines (9,413 workers in 1949); (3) railways (135,357 workers in 1949); (4) shops and commercial establishments (about 15,000 workers); (5) sea-going vessels (about 125,000 seamen) and (6) docks and ports (about 15,000 workers)..... This gives an approximate total figure of nearly 480,000 workers protected by different enactments.<sup>5</sup>

<sup>1</sup> "Pakistan Widens Base of Economy," *New York Times*, January 4, 1955.

<sup>2</sup> The budgets from 1948-49 till 1953-54 showed a surplus on the revenue side. The budget of 1954-55 showed a deficit of 25.1 million rupees. The estimated budget of 1955-56 has a deficit of 13.7 million rupees. See table in *Pakistan 1954-1955*, p. 28.

<sup>3</sup> World Trade Information Service, *Economic Developments in Pakistan, 1954* (Washington, D. C.: U. S. Dept. of Commerce, Bureau of Foreign Commerce, March, 1955).

<sup>4</sup> *Pakistan 1954-1955*, p. 120.

<sup>5</sup> According to new estimates, "there were 392 registered trade unions with a membership of 633,753 in February, 1955. *Ibid.*, p. 123.

The population of Pakistan according to the 1951 provisional census figures is 75,687,000. Hence these 480,000 workers constitute only '63 per cent of the total population. There is almost no legislative regulation of the terms and conditions of employment in agriculture, plantations, cottage industries, inland water transport and small industrial and commercial establishments whose number is estimated as running into millions though accurate figures are not available. There is also no legislation concerning employment exchanges and trading centres which have been established by an executive order of the Government."<sup>1</sup>

Measures in that direction are being worked out by the Pakistan Government in harmony with the regulations of the International Labour Organisation.<sup>2</sup> Obviously, much of the progress depends on the growing class consciousness among the working masses of the country.

Although not strictly within the field of economics, except in so far as the national budget is concerned, the general progress in the welfare of the country deserves special mention.

In the field of health, malaria alone was responsible for 124,516 deaths a year, according to a 1951 estimate.<sup>3</sup> The same source stated that there were at least one million active cases of tuberculosis in the country, with only one doctor to 33,000 persons and one nurse to 76,800 people. The shortage of hospitals and dispensaries was acute. At present there is a nation-wide malaria control programme in operation. The Malaria Institute of Pakistan and Tuberculosis Control and Training Centres have been established. The upkeep of the Karachi Centre of Tuberculosis alone costs the government Rs. 917,000. About 13,720,844 have so far been tuberculin tested, and 4,656,925 protected with B.C.C.<sup>4</sup> The government

<sup>1</sup> *Labour Code of Pakistan*, compiled by M. Shafi (Karachi: Pakistan Labour Publications, 1953), Preface.

<sup>2</sup> *Pakistan 1954-1955*, chapter on Labour, pp. 120-125.

<sup>3</sup> *Pakistan News* (Karachi), January 28, 1951. From a speech by Dr. A. M. Malik, inaugurating the All-Pakistan Health Conference, Dacca, January 8, 1951.

<sup>4</sup> *Pakistan 1954-1955*, p. 194.

has also prepared a Six Year Development Plan with the objective of alleviating the pressing need for hospitals, medical schools and medical personnel. In addition, the government is subsidizing maternity and child health services, a penicillin plant, a Cancer Research Institute and related projects.

In the field of education the government has undertaken a vigorous drive to eradicate illiteracy and to raise the standard of education in Pakistan. According to the 1951 census there were 13,958,013 literates in Pakistan, 18.9 percent of the population.<sup>1</sup> There are at present about 650,000 students enrolled in Pakistani colleges and universities.<sup>2</sup> Great effort is being expended by the government to procure sufficient teaching personnel and to provide adequate education facilities. The measures are meeting with success.

### **Economic Progress and a Modern Islamic State**

The illustrations quoted about agriculture, industry, labour, health, and education might give some indication of the progress made in these areas since Partition, but by no means do they attempt to give a complete picture. Attention should be called to the fact that progress has been made in many other areas not even mentioned here. Whatever phase of governmental activity in Pakistan would be taken under consideration, it would serve as an indication that the Islamic ideals, serving as the propelling force in the actions of the State, do not hamper its development.

Pakistan is a healthy nation with an inherently sound economy. If its people are in want, it is a heritage from the past and not because the State adopted Islamic ideals. The difficulties that crop up from time to time are only indications that work is being done. The insistent effort to harmonize economic development and social welfare with Islamic ideals is a heroic attempt of a nation to lift itself above the slime of materialism in which the world is steeped today. It is not an opiate to forget, or to cause to forget, the worries at hand. It is rather a different approach that seems suspicious to twentieth century civilized mind, conservative and unaccustomed to social experiments. Except for the aim underlying the experiment,

<sup>1</sup> *Ibid.*, p. 180.

<sup>2</sup> *Press Information Department*, Government of Pakistan (July 28,, 1955), E. No. 3409.

which is to create a good life, and, perhaps, a better man, the average adherents of the Islamic ideal differ little in their problems, ambitions, fears and joys from an average American.

## THE POSITION OF MINORITIES IN PAKISTAN

### Minorities before the Objectives Resolution

Liberation and Partition were greeted on both sides of the border, in India and Pakistan, with an outburst of communal riots on an unprecedented scale. Freedom had to be sanctified with bloodshed. It was a bad beginning, but not an unusual one on the scene of world history. The situation of the minorities, the obvious victims of such riots, was aggravated by the quarrels over the accession of some princely states. The Kashmir quarrel has even today a potent influence on feelings in Pakistan. In general, however, mob violence has rarely occurred since the Minorities Agreement was signed between the Prime Ministers of Pakistan and India on April 8, 1950. This Agreement "undoubtedly averted a crisis, and provided a rallying point for men of goodwill on both sides to set their face against evils of intolerance and communal hatred."<sup>1</sup> Discounting occasional threatening demonstrations during that year, the minorities were protected in all their rights and privileges as prescribed by the Act of 1935. The relevant regulations of the Act, in so far as the minorities were concerned, were based on the policy that was adopted by the British in 1909, when it gained official sanction in the Morely-Minto Reforms. The official British policy was that of communalism, permitting every community to share in governmental activities proportionately to its members. This system was made effective and sustained by the introduction of separate electorates. The Muslims welcomed separate electorates in British India. The Hindus shunned them. Being an integral part of the Act of 1935, which is still the living Constitution of Pakistan, the Provisions of that Act were applied to the minorities after Partition. Additional minority legislation of great magnitude and with long-range significance was indicated in the *Objectives Resolution* of 1949

<sup>1</sup> V. S. Swaminathan, "Pakistan Problems and Prospects" *Middle East Journal*, IV, 4 (Washington : Middle East Institute, October, 1950).

## Present Status of the Minorities

In the *Objectives Resolution* the minority has been given distinct guarantees in two clauses: "Adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures,"<sup>1</sup> and "adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes."<sup>2</sup> Even at first sight one can notice that these clauses lend themselves to various interpretations. They are too general as to content and scope. The word "adequate" which opens both statements, is far too dubious. What might seem adequate to a Muslim in protecting the rights of a non-Muslim, might not seem adequate to a Pakistani Hindu. This and similar interpretations can make one understand the misgivings of the minority at the time this Resolution was passed. The majority had a comparatively weak point against them at that time. Only from a point of view of doubtful comradeship could the majority complain against the minority, for not trusting them in good faith and good will. Legally the minority seemed to act correctly and in self-protection when it demanded additional guarantees.

By September, 1954, the situation had changed. In several proposals, whose acceptable provisions were finally crystallized in the 1954 *Report*, it was made clear to what extent the minority citizen will be guaranteed his rights. In minute details, point by point, the minority has been insured equal rights with the Pakistani Muslims. Not only is it the state's duty "to protect all the legitimate rights and interests of the non-Muslim communities of Pakistan"<sup>3</sup> in general, but individual citizens of Pakistan, too, who are incapable of earning their livelihood, should be secured their basic necessities of life "irrespective of caste and creed."<sup>4</sup> The "Directive Principles of State Policy" further assert that "the economic policy of the State should be so directed as to secure an all-round well being of the people irrespective of creed, race or color."<sup>5</sup> Similarly, complete

<sup>1</sup> *CAD*, V (March, 1949), 2,

<sup>2</sup> *Ibid.*,

<sup>3</sup> *BPCR*, Pt. I., Ch. 11 paragraph 12.

<sup>4</sup> *Ibid.*, paragraph 4.

<sup>5</sup> *Ibid.*, paragraph 5.



equality of opportunity in matters of public employment "irrespective of religion, race, caste, sex, descent or place of birth" is also safeguarded.<sup>1</sup> One exception is made in filling the position of the Head of State. The Report on Fundamental Rights does not say that the office of the Head of State can be filled only by a Muslim, but we find this single exception made in the *BPCR*.<sup>2</sup> Actually, considering the hot tempers on the minority issue, the drafters could have refrained from making such an explicit statement which excludes a non-Muslim from the highest position in the state.<sup>3</sup> True, there are constitutions where a similar qualification is prescribed for the Head of State. On the other hand, there are states where unwritten law regulates this procedure. One wonders why, with the tremendous Muslim majority at hand, the drafters in Pakistan had to choose the course that is more offensive to minority sentiment. Let it be clear, however, that with the exception of the office of the Head of the State, all other positions are equally available to Muslim and non-Muslim by law. The *BPCR* has no explicit statement included to that effect. But it clearly infers, by specifying what oath has to be taken at the assumption of certain offices, that these positions are open to all aspirants. Thus, the Head of the State, who has to be a Muslim, has to swear "In the name of Allah that.....I will endeavour to fulfill the obligations and duties enjoined by Islam."<sup>4</sup> But speaking about the Cabinet, the provision says that

' the Ministers should be required to take oaths of allegiance, office and secrecy :

Provided that in the case of a Muslim Minister the oath of office should include an affirmation to the effect that both in his personal and public life he will endeavour to fulfill

<sup>1</sup> *Interim Report of the Committee on Fundamental Rights of Citizens of Pakistan and on Matters Relating to Minorities*, as adopted by the Constituent Assembly of Pakistan on the 6th October, 1950, Pt. II, Paragraph 7.

<sup>2</sup> *B. P. C. R.*, Pt. III, Ch. I, paragraph 15.

<sup>3</sup> Seth Sukhdhev, a non-Muslim member of the Constituent Assembly, pointed out that "this provision is not a democratic one. It is also not in keeping with paragraph 7 of part II of the *Interim Report on Fundamental Rights*", CAD, XV, 2 (October, 1953), 51.

<sup>4</sup> *Ibid.*, paragraph 34. Similar oath is administered to the members of the Federal Legislature. *Ibid.*, paragraph 73 (1).

the obligations enjoined by Islam.<sup>1</sup>

Speaking about the Head of a Unit, the *Report* is even more specifically liberal. It reads: "Suitable provisions should be made on the form of oath to be taken by the Head of the Unit if he is non-Muslim<sup>2</sup> and a member of the legislature of unit.<sup>3</sup>

The picture one gets by perusing some of the recently passed documents of the Constituent Assembly is that of a well-protected minority. However, the most valuable guarantees are to be found in the *BPCR* among the "Directive Principles of State Policy" whose last paragraph reads: "The provisions contained in this chapter are intended for the general guidance of the state. The application of this principle in legislation and administration shall be the duty of the state but shall not be enforceable in any court of law."<sup>4</sup>

Not trying to reach a hasty conclusion, one can assume that, although these provisions have no legal power, they carry at least a strong moral obligation. Since they would be embodied in the future Constitution of Pakistan, they can be considered of strong precedential value in the shaping of minority legislation. Even if we assume the opposite,<sup>5</sup> the minority would be left with fundamental rights which give it legal guarantees of equal status, equal opportunity and liberty of conscience and practice.

While the basic documents themselves give a favourable picture of the position of the minorities, one should not forget that a document cannot be judged only by its wording but also by its application in practice. This, in turn, depends on the type of relationship that develops between the two communities. Judging by the debates held in the Constituent Assembly, one can feel that this relationship is far from friendly and cordial based on mutual trust. Some of the minority members accuse the majority that

<sup>1</sup> *Ibid.* Pt. IV, Ch. I, Paragraph 64.

<sup>2</sup> *Ibid.* paragraph 99.

<sup>3</sup> *Ibid.* paragraph 127 (1) and (2).

<sup>4</sup> *Ibid.* Pt. I, Ch. I, Paragraph 3

<sup>5</sup> "The only two provisions of an economic nature (are) in the section on Directive Principles of State Policy, which, incidentally, are not enforceable by law and hence are mere pious wishes." (Bhupendra Kumar Datta, *CAD*, V, 2 (October, 1953).

they are being treated with contempt and as "a stateless people," that they are being terrorized,<sup>1</sup> and that they are forced permanently from participating in the political area by the establishment of separate electorates.<sup>2</sup> On the other hand, other minority members think that

'ample safeguards are provided to protect the life, property and the fundamental and civic rights of the minorities. The right to worship, the right to propagate one's religion, the right to live in a way compatible to his or her culture and tradition, are some of the notable features of the constitution are in my humble opinion there is but little which remains to be desired.'<sup>3</sup>

The breach in the ranks of the minority, the sheer fact that there is a minority voice giving credit to the Islamic government and that there are other minority members who identify themselves with the policy of the Muslim League, throws a shadow of suspicion on the legitimacy of the minority complaints.

In this light it dawns slowly upon the observer that behind the facade of communal and religious differences there is a basic difference of deeply ingrained political allegiance. That allegiance is, from the point of view of the majority, directed to Islam and to Pakistan; from the point of view of the minorities, it is directed towards their respective communal way of life and Pakistan. The majority is struggling to solve the problem of dual allegiance by combining its two objectives, Islam and Pakistan. Its efforts are successful or at least the power and the will exist to the extent that one can consider the ideal of Islamic Pakistan potentially realized. The minorities, however, are frustrated from the outset. No Buddhist or no Christian Pakistan will be established within a conceivable future. What is more, they are bound live in an atmosphere where another faith and way of

<sup>1</sup> *Ibid.*, pp. 32—33.

<sup>2</sup> On this issue, opposition to separate electorates, the minority Congress Party seems to agree with the exception of Mr. P.D. Bhandara, who, contrary to the other minority members and a few dissident members of the Muslim League, believes that "in separate electorate lies the salvation of the backward classes." *Ibid.*, p. 48.

<sup>3</sup> P.D. Bhandara, *Ibid.*, p. 47.

life is defied, pushing them into comparative obscurity. They thus feel their interest endangered—even though they may not be—and their dual allegiance for Pakistan and their communal beliefs, instead of being welded together, suffer a rift that appears incurable. At the same time, living in an environment where the religious majority is identified with the political State with which the minorities seem unable to identify themselves, they turn for their own guidance and support to outside powers. Whether this involves spiritual guidance or financial aid, such a dissatisfied minority body could serve as a fifth column, an actual cancer within the living body of a state. No wonder, therefore, that however liberal the law of Islamic Pakistan would be toward the minorities—as it is—they will act like frustrated, dissatisfied individuals, who have only very little concern and stake in the actual passage of laws, in the preservation of order in the country that they might have liked to call their own. On this basis we can find three groups of people in Pakistan : (1) the Muslim group, strongly Nationalist ; (2) a strong group within the minority relying on India as the outside power ; (3) a small group within the minority, probably mostly Christians, who will work hand in hand with the Muslim League as long as the freedom and the security of the minority will be insured. This situation presents a problem to which we do not propose to find a solution as this stage.

The writer of these lines hopes that the description of the minority problem did not give the reader the impression that Pakistan is torn by the internal strife and antagonism of the communal groups. Such a situation cannot arise, since in a body of 75 million people there are altogether about 12 million non-Muslims or approximately 15 per cent of the population.<sup>1</sup> In the light of the size of the minority the problem might seem to be exaggerated, but if this is so in this paper, it is also in the Pakistani-Muslim conscience that, on the whole, is trying to find a *modus vivendi* for communally conscious minority groups within the framework of the Islamic State. The fear of the minorities, that

<sup>1</sup> Religion in Pakistan (Census Report of 1951) : Muslim 85.9%, Caste Hindu 5.7%, Schedule Caste Hindu 7.2% Christian .7% other .5%. Press Information Department, Government of Pakistan, E. No.-4196.

the stronger the Islamic State, the surer their disappearance into oblivion, is more than overbalanced by the enthusiastic hope and stronger determination of the majority to prove to themselves, to their minorities, neighbours and the world at large that the Islamic way of life can secure justice, equality, peace and happiness to all men.

The problems concerning the minorities, the economy of the country, and the adoption of an Islamic Constitution are only some aspects of the problem of an Islamic State. The intention was to give an unbiased account of what one is to expect from an Islamic State in the twentieth century. At this point no one can escape the conclusion that Pakistan is a rapidly progressing country and that the hopes of realizing the noble Islamic ideals in the body politic do not hinder its development socially, economically, or politically.

No doubt the Pakistani Muslims have a long road to go to persuade friends and strangers that their hopes can be realized. But they seem to proceed undaunted towards their goal.



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